Mr. Reed

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FEDERAL REGISTER

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Washington, Tuesday, February 8, 1944

The President

EXECUTIVE ORDER 9419

BRONZE STAR MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

There is hereby established the Bronze Star Medal, with accompanying ribbons and appurtenances, for award to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States on or after December 7, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military or naval operations against an enemy of the United States.

The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of War and the Secretary of the Navy, and may be awarded by the Secretary of War, or the Secretary of the Navy, or by such commanding officers of the Army, Navy, Marine Corps, or Coast Guard as the said Secretaries may respectively designate. Awards shall be made under such regulations as the said Secretaries shall severally prescribe, and such regulations shall, so far as practicable, be of uniform application.

No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations. The Bronze Star Medal or device may be awarded posthumously, and, when so awarded, may be presented to such representative of the deceased as may be designated in the award.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 4, 1944

[F. R. Doc. 44-1752; Filed, February 5, 1944; 10:15 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter I—War Food Administration (Standards, Inspections, Marketing Practices)

PART 33—EXPORT APPLE AND PEAR REGULATIONS

Pursuant to the provisions of the Export Apple and Pear Act, approved June 10, 1933 (48 Stat. 123; 7 U. S. C. 581 *et seq.*), and by virtue of the authority vested in the War Food Administrator, the following revision of Title 7, Chapter I, Part 33, Code of Federal Regulations, as amended (7 CFR, and Cum. Supp., 33.1–33.17), is promulgated:

DEFINITIONS

AUTHORITY: §§ 33.1 to 33.19, inclusive, issued under 48 Stat. 124; 7 U.S.C. 587; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

DEFINITIONS

§ 33.1 *Meaning of words.* Words used in this part in the singular form

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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shall be deemed to import the plural, and vice versa, as the case may demand.

§ 33.2 *Definitions.* Each term defined in the act shall, when used in these regulations, have the same meaning as set forth in said act. When used herein, unlese otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(a) The term "act' 'or "Export Apple and Pear Act" means "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 1940 ed. 581 *et seq.*).

(b) The term "carrier" means any common or private carrier, including, but not being limited to, trucks, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Administration" means the War Food Administration of the Department.

(e) The term "Administrator" means the War Food Administrator or any officer or employee of the Department to whom the Administrator has heretofore delegated or may hereafter delegate the authority to act in his stead.

(f) The term "Director" means the Director of Food Distribution, Office of Distribution of the Administration or any officer or employee of the Department to whom the Director has heretofore or may hereafter delegate the authority to act in his stead.

(g) The term "Chief of Branch" means the Chief of the Fruit and Vegetable Branch, Office of Distribution of the Administration or any officer or employee of the Branch to whom there has heretofore been delegated or there may hereafter be delegated the authority to act in his stead.

(h) The term "apples" means fresh whole apples whether or not they have been in storage.

(i) The term "pears" means fresh whole pears whether or not they have been in storage.

(j) The term "Farm Products Inspection Act" means the following provision of the Department of Agriculture Appropriation Act, 1944, approved July 12, 1943 (57 Stat. 421), or any future act of Congress conferring similar authority:

For enabling the Secretary, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided,* That officers and employees who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed 3 cents per mile: *Provided further,* That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(k) The term "certificate" or "export form certificate" means a statement that a designated lot of apples or pears meets the requirements of the Export Apple and Pear Act included in and made a part of (1) a certificate issued under the Farm Products Inspection Act or under § 14 of the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended (46 Stat. 531; 7 U.S.C. 1940 ed. 499a *et seq.*), or (2) a memorandum in a form approved by the Chief of Branch and issued in lieu of an export form certificate.

(l) The term "less-than-a-carload lot" means any lot of apples or pears of less than 400 bushels in packages.

ADMINISTRATION

§ 33.3 *Chief of Branch.* The Chief of Branch shall perform, for and under the supervision of the Administrator and the director, such duties as the Administrator or the Director may require in the enforcement or administration of the provisions of the act or these regulations.

MISCELLANEOUS

§ 33.4 *Inspection certificate.* The regulations issued under the Farm Products Inspection Act governing the inspection and certification of fresh fruits and vegetables, as amended (7 CFR 51.1 *et seq.*), and as the same may, from time to time, be amended, insofar as the aforesaid regulations apply to apples or pears, are hereby adopted and made a part of these regulations for the purposes of the act except when in conflict with specific regulations herein set forth; and all persons authorized to issue certificates of grade or condition under said Farm Products Inspection Act are authorized to issue the certificate required, under the act and under these regulations, for apples or pears.

§ 33.5 *Form of certificate.* A Farm Products Inspection Act certificate bearing in prominent letters across the face thereof the words "Export Form Certificate" shall, when issued hereunder, be issued only for apples or pears inspected and certified in accordance with the provisions of the act and these regulations and shall include the following printed or typed statement: "The apples or pears covered by this certificate meet the requirements of the Export Apple and Pear Act."

§ 33.6 *Analysis; certificate.* If the apples or pears in any shipment for export are to be analyzed for any spray residue and the chemist's report is not available at the time the inspection for grade is finished, the inspector may, if practicable, issue a certificate subject to its being rescinded within 48 hours after issuance should the chemist's analysis show that the apples or pears do not comply with the tolerances for any such spray residue established under the Federal Food, Drug, and Cosmetic Act, as amended (52 Stat. 1040; 21 U. S. C. 1940 ed. 301 *et seq.*).

§ 33.7 *Delivery of certificate.* If, at the time of billing for shipment in export, a certificate shall have been issued under the provisions of the act and these regulations, such certificate or a copy thereof, on a form approved by the Director, shall be delivered by the shipper or his agent to the initial carrier for delivery to the proper official of any carrier on which the apples or pears, covered by the certificate or the copy thereof, as aforesaid, are to be exported.

§ 33.8 *Requirements for shipments—*(a) *Export of apples or pears.* No person shall ship, offer for shipment, transport, or offer for transportation to a foreign country apples or pears in packages except in accordance and compliance with the requirements hereof and only if a certificate has been issued with respect to such apples or pears.

(b) *No acceptance for export without certificate.* A shipment of apples or pears in packages shall not be accepted for export by any carrier unless such shipment is accompanied by a certificate or a copy thereof, on a form approved by the Director, and such certificate or copy thereof has been surrendered to the carrier.

(c) *Split shipments.* When a certificate has been issued covering a lot of apples or pears and the shipper desires to export part of the lot by one carrier and part by another carrier, such certificate or copy thereof, as aforesaid, shall be delivered to each carrier.

(d) *Representation of issuance, without copy of certificate, not acceptable.* No carrier shall accept for shipment a

part of a lot of apples or pears in packages upon the representation by the shipper or his agent or by the initial carrier that a certificate has been issued covering the entire lot of such apples or pears, but shall require that such certificate or a copy thereof, as aforesaid, be delivered to such carrier.

§ 33.9 *Method of inspection and certification.* When a shipment of apples or pears in packages is made to a foreign country under a through bill of lading or under a bill of lading marked for export, the shipper shall, except as provided in § 33.18, secure inspection of the apples or pears in such shipment and deliver to the local agent of the carrier the certificate or copy thereof, as aforesaid, covering such shipment. Such local agent shall attach such certificate or copy thereof to the waybill or make a notation on the waybill that the fruit has been inspected and that a certificate has been issued. Inspection of a shipment of apples or pears in packages, not under a through bill of lading to a foreign country or not under a bill of lading marked for export, may be obtained at point of origin of such shipment, if inspection is available, or at any convenient point en route to or at destination.

§ 33.10 *Noncertificated shipments; handling.* Any person operating any carrier shall, within 72 hours after such carrier sails from any port, send to the Chief of Fruit and Vegetable Branch, Office of Distribution, War Food Administration, Washington 25, D. C., a list of all shipments of apples or pears in packages on board such carrier which are not accompanied by certificates or copies thereof, as aforesaid, and shall give all particulars with reference thereto, including, but not being limited to, destination, quantity, description, marks, names and addresses of shippers and consignees, and names of railroads or persons having delivered such shipments to such carriers, with car numbers or other means of identification. The furnishing of the foregoing information shall not relieve any person operating a carrier, as aforesaid, from liability under the act or these regulations if the facts warrant prosecution.

§ 33.11 *Special certificates.* A special certificate in compliance with the standards or requirements of any foreign country as to condition of apples or pears shall, as authorized by section 3 of the act, be issued as a part of, or in addition to, an export form certificate. A reasonable additional fee may be charged when the inspection necessary for the issuance of such special certificate requires additional time or an examination or certification at some time or place other than that at which the original inspection was made.

§ 33.12 *Issuance of certificate; requirements.* The issuance of a certificate does not excuse any person who fails to comply with any regulatory laws or requirements applicable to apples or pears shipped in foreign commerce. No certificate shall be issued except upon a showing satisfactory to the Chief of Branch that the apples or pears shipped in foreign commerce comply with the tolerances for any arsenical or lead spray residue established under the Federal Food, Drug, and Cosmetic Act, as aforesaid.

§ 33.13 *Minimum quality requirements for shipments in export*—(a) *Apples.* Any lot of apples in packages shipped or transported in foreign commerce must meet each minimum requirement of the U. S. Utility or the U. S. Utility Early grade, as specified in the United States Standards for Apples, issued by the Department in October 1937 and reissued in October 1939, subject to the tolerances for the applicable grade, except that such apples shall not contain apple maggots and, of such apples, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of apples in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of apples meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Cannery Apples (1930), issued by the Department on July 23, 1930, and reissued on August 30, 1943, subject to an aggregate tolerance of 10 percent for defects of this grade.

(b) *Pears.* Any lot of pears in packages shipped or transported in foreign commerce must meet each minimum requirement of the applicable U. S. No. 2 grade, as specified (1) in the U. S. Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties, effective June 27, 1940, issued by the Department on June 26, 1940, and reissued September 3, 1942, or (2) in the U. S. Standards for Winter Pears, such as Anjou, Bosc, Nellis, Comice, and other similar varieties, effective July 8, 1940, issued by the Department on June 28, 1940, and reissued on May 20, 1942, subject to the tolerances permitted for such applicable grade, except that such pears shall not contain apple maggots and, of such pears, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of pears in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of pears meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Pears for Canning, effective June 12, 1939, issued by the Department on June 6, 1939, and reissued September 13, 1939, subject to an aggregate tolerance of 10 percent for defects of this grade.

(c) *Exception to maturity requirements.* Any lot of apples or pears in packages shipped to a transpacific port need not comply with the maturity standards of the applicable grade, as aforesaid, if the packages are conspicuously marked or branded with the words "Immature fruit."

§ 33.14 *Packing and marking requirements for shipments in export*—(a) *Packages; packing.* Each package shall be packed so that the apples or pears in the shown face shall be reasonably representative in size, color, and quality of the contents of the package.

(b) *Packages; marking.* Any package of apples or pears shipped in foreign commerce shall be plainly and conspicuously marked with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the grade names, not lower than those specified in § 33.13; and (4) the numerical count or the minimum size of such apples or pears.

§ 33.15 *Fee for certificate.* The fee for the issuance of a certificate shall be the fee charged at that time and place where a certificate is issued for an inspection made under the Farm Products Inspection Act: *Provided,* That when any lot of apples or pears, with respect to which a farm products inspection certificate has been issued stating that the fruit meets the requirements of the act and these regulations, arrives at any terminal market or point of export, an export form certificate may be substituted for such farm products inspection certificate for a fee of $1.00, or, for a similar fee, such farm products inspection certificate may be stamped with the words "Export Form Certificate."

§ 33.16 *Complaint, notice, hearing, and order.* Upon receipt of complaint from any person alleging that any apples or pears have been shipped or transported in foreign commerce in violation of any of the provisions of the act or these regulations, the Director shall cause such investigation of the facts to be made as he deems proper. If it appears from the investigation that there has been a violation of the act or these regulations, the Director shall cause notice to be given to the person accused of the nature of the charges against him and of the specific cases in which violation of the act or these regulations is charged. The person accused shall be given an opportunity for a hearing not less than 10 days after notice of such hearing has been served upon him. At such hearing the person complained of will be entitled to be present in person or by counsel and to submit evidence and arguments in his behalf. Any order to withhold the issuance of a certificate, as provided in § 6 of the act, will be effective from the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Administrator under the Farm Products Inspection Act shall issue any certificate to such person.

§ 33.17 *Service of notice or order.* Service of any notice or order required by the act or prescribed by these regulations shall be deemed sufficient if made by registered mail or personally upon the person served. If it is impossible to make service, as aforesaid, upon the person named in the notice or order, service may be made by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode. If the person named is a partnership, association, or corporation, service may similarly be made with re-

spect to any member of the partnership or any officer, employee, or agent of the association or corporation.

§ 33.18 *Less-than-a-carload lot.* Any shipment of less-than-a-carload lot of apples or pears to Mexico, Cuba, the West Indies, Bahamas, Bermuda Islands, Newfoundland, or to other islands adjacent to North America, or to any country in Central America or South America except Argentina, or to any African port not on the Mediterranean Sea, or to any transpacific port, need not comply with the requirements of the act or these regulations: *Provided,* That any shipment of apples or pears of less than 200 pounds gross weight in packages to any foreign destination shall not be subject to the provisions of the act or these regulations.

§ 33.19 *Effective date.* This revision shall become effective at 12:01 a.m., e.w.t., March 6, 1944.

It is directed that, within one week of its promulgation, notice of this revision and of the effective time thereof shall be published in at least two trade papers of the fruit industry.

Issued at Washington, D. C., this 5th day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1839; Filed, February 7, 1944; 11:24 a.m.]

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 65—OFFICIAL UNITED STATES STANDARDS FOR PALATABILITY SCORES FOR DRIED WHOLE EGGS

PREPARATION OF SAMPLES, AND SCORES FOR DRIED WHOLE EGGS

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1944, approved July 12, 1943 (Pub. L. No. 129, 78th Cong., 1st Sess., 57 Stat. 421), and by virtue of the authority vested in the War Food Administrator, the following standards for palatability scores for dried whole eggs that shall be employed for the grading and certification for palatability scores for dried whole eggs by official graders of the War Food Administration are hereby prescribed and promulgated:

§ 65.1 *Preparation of samples for palatability tests.* Reconstitute 30 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a 250 to 400 ml. pyrex beaker by adding a third of the water, mixing until smooth and then adding the remainder of the water slowly while stirring. Place the beaker in gently boiling water and stir the reconstituted egg while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for palatability test.

§ 65.2 *Palatability scores for dried whole eggs.*

Score	Description of quality	Grades
8	No detectable off flavor, comparable to high quality fresh shell egg	Household grades. Acceptable as scrambled egg.
7½	Barely detectable off flavor	
7	Slight but not unpleasant off flavor	
6½	Fairly definite but not unpleasant off flavor	
6	Definite off flavor which may be slightly unpleasant	Commercial grades. Suitable only for bakery and similar uses.
5	Unpleasant off flavor	
4	Definite unpleasant off flavor	
3	Extremely unpleasant off flavor	Products unsuitable for household grades or commercial grades.
2	Repulsive flavor or flavor due to slight decomposition	
1	Strong repulsive flavor or flavor due to decomposition	
0	Extremely repulsive flavor or flavor due to extreme decomposition	

The foregoing standards shall become effective at 12:01 a. m., e. w. t., February 7, 1944.

(Pub. Law 129, 78th Cong., 57 Stat. 421; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 5th day of February 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1841; Filed, February 7, 1944; 11:19 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 80-1, Amdt. 2]

PART 1405—FRUITS AND VEGETABLES

ALLOCATION OF PROCESSED CONCORD GRAPES

Food Distribution Order No. 80-1, § 1405.29, issued on September 22, 1943, by the Director of Food Distribution, as amended (8 F.R. 12963, and 13970), is further amended by deleting therefrom the provisions in § 1405.29 (b) (2) (iii) and inserting, in lieu thereof, the following:

(iii) The quantity remaining, after allocations have been made from the processed Concord grapes in accordance with the provisions contained in paragraphs (b) (2) (i) and (b) (2) (ii) above, is released from the set-aside restrictions contained in § 1405.25 (b) (4) of Food Distribution Order No. 80, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said Food Distribution Order No. 80-1, prior to the effective time of this amendment, all of the provisions of the said Food Distribution Order No. 80-1 in effect prior to the effective time of this amendment shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, appeal, right, or liability.

This amendment to said Food Distribution Order No. 80-1 shall become effective at 12:01 a. m., e. w. t., February 6, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 80, as amended, 8 F.R. 12527, and 13970)

Issued this 3d day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F.R. Doc. 44-1737; Filed, February 4, 1944; 12:43 p. m.]

[FDO 75, Amdt. 11]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508, 15684, 15772, 16353, 16587, 16675, 16887, 17290, 9 F.R. 51, 937), § 1410.15, issued under authority of the War Food Administrator on August 9, 1943, is further amended by amending (b) (2) to read as follows:

(2) Until March 17, 1944, any farmer may, without a license or permit, slaughter swine owned by him and deliver the meat derived therefrom.

This order shall become effective at 12:01 a. m., e. w. t., February 4, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 3d day of February 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1738; Filed, February 4, 1944; 12:43 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50999]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

PURCHASE OF IN-BOND SEALS BY CARRIERS

Section 24.13, Customs Regulations of 1943 (19 CFR 24.13), is hereby amended as follows:

The third sentence of paragraph (b) is amended to read:

Seals used for sealing merchandise for customs purposes other than for (1) shipping in bond, (2) shipping by other than a bonded common carrier in accordance with section 553, Tariff Act of 1930, as amended, or (3) shipping in

transit shall be uncolored and stamped "U. S. Customs."

The first sentence of paragraph (f) is amended to read:

In-bond seals may be purchased only by customs bonded carriers or by non-bonded carriers who are permitted to transport articles in accordance with section 553 of the tariff act, as amended. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

FEBRUARY 3, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F.R. Doc. 44-1792; Filed, February 7, 1944; 9:41 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

PETITIONS FOR REVIEW

The National War Labor Board has adopted the following amendments:

In § 802.38 *Petitions for review* (8 F.R. 16712), the first sentence is changed to read:

Within fourteen days after an agent of the Board mails to a party a ruling denying or modifying a voluntary application for approval of a wage or salary adjustment, or remits to him a directive order in a dispute case, such party may mail to the Board at Washington, D. C., an original and four copies of a petition, including supporting documents, seeking review by the Board of such ruling or directive order.

In § 802.39 *The answer* (8 F.R. 16712), the first sentence is changed to read:

Within fourteen days after a copy of a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail to the Board an answer to the petition.

In § 802.43 (b) (1) (8 F.R. 16712), the second sentence is changed to read:

A petition for reconsideration of any provision of the Board's order which effects a change in the order of the agent may be mailed to the Board by any party within fourteen days from the date that the order was mailed to such party.

(E.O. 9017, 9250; 7 F.R. 237, 7871)

Adopted January 10, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-1741; Filed, February 4, 1944; 2:43 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Rev. Reg. 11]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON ANTHRACITE COAL

To effectuate the purposes of Executive Order No. 9332, Regulation No. 11 is hereby superseded by the following revised regulation:

§ 602.201 *Definitions.* (a) for the purposes of this revised regulation, the definitions contained in Solid Fuels Administration for War Revised Regulation No. 2, as amended, shall be the meaning of the words "anthracite," "producer," "wholesaler," "destination," "person," and "base period."

(b) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of anthracite in a transaction involving the sale, or sale and delivery, of broken bulk anthracite, physically handled in less than carload lots without regard to quantity or frequency of delivery.

§ 602.202 *Restriction on shipments by wholesalers or producers.* Prior to April 1, 1944, no wholesaler or producer shall ship anthracite (including anthracite to be used in poultry brooders or hatcheries) in any calendar month to any destination or retail dealer in excess of 1/24th of the total tonnage shipped all-rail to such destination or retail dealer during the base period: *Provided, however,* That this restriction shall not apply to destinations or retail dealers in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and the Dominion of Canada; *And provided, further,* That this restriction on shipments shall not apply to anthracite owned by any producer or wholesaler and stored on docks or any other storage facilities located in the area to which this restriction applies.

§ 602.203 *Restriction upon anthracite deliveries by certain retail dealers.* Each retail dealer, located within the area to which the restriction provided in §602.202 of this revised regulation applies, who receives anthracite pursuant to that section, shall accord preference in deliveries of such anthracite to consumers who require it for use in base burners, magazine type heaters or boilers, anthracite stokers, bakeries, or poultry brooders and hatcheries.

§ 602.204 *Action under other regulations.* Nothing contained in this revised regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1, or under any other Regulation heretofore or hereafter promulgated by him.

§ 602.205 *Limitations upon applicability of this revised regulation.* The restrictions of this revised regulation shall apply only to anthracite shipped for use by a consumer for space heating, domestic hot water or domestic cooking, and this revised regulation shall not be applicable to and shall not in any wise be deemed to restrict shipments of anthracite to any industrial plant for use in the process of manufacturing or generating steam for industrial use or for space heating which is incidental thereto: *Provided however,* That the buyer, when placing his order, shall certify in writing that the anthracite covered by such order is to be used only by an industrial plant in the process of manufacturing or generating steam for industrial use or for space heating which is incidental thereto, as the case may be.

§ 602.206 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this revised regulation.

§ 602.207 *Violations.* Any person who violates any provision of this revised regulation, or who obtains delivery of anthracite in violation of this revised regulation, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. Sec. 80) or under the Second War Powers Act (Pub. No. 507, 77th Cong., March 27, 1942).

§ 602.208 *Applications for modification and exception.* Any application for modification of or exception from any provision of this revised regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

§ 602.209 *Regulations modified hereby.* (a) This revised regulation modifies the provisions of Revised Regulation No. 2, as amended, in respect to shipments to be made to destinations and retail dealers within the area to which the restriction provided in § 602.202 of this Revised Regulation applies. In all other respects and with regard to all other areas, Revised Regulation No. 2, as amended, remains in full force and effect.

(b) The provisions of Regulation No. 5 shall not be applicable to orders for anthracite for use in poultry brooders or hatcheries placed by any retail dealer or any operator of a poultry brooder or hatchery located within the area to which the restriction provided in § 602.202 of this revised regulation applies. Regulation No. 5 remains in full force and effect with regard to all other areas.

This revised regulation shall take effect forthwith.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 4th day of February 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44-1802; Filed, February 7, 1944; 10:13 a. m.]

[Reg. 14]

PART 602—GENERAL ORDERS AND DIRECTIVES

RECONSIGNMENT, DIVERSION, AND REROUTING SOLID FUELS IN TRANSIT

The Solid Fuels Administrator for War is authorized by Executive Order No. 9332

(8 F.R. 5355) to issue to persons engaged in the development, production, preparation, treatment, processing, storage, shipment, receipt and distribution of solid fuels within the United States, its territories and possessions such directions as are deemed necessary to provide adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements. In some instances, in order to meet emergency situations and in order to avoid inequitable distribution of solid fuels, it has been necessary to order the reconsignment, diversion or rerouting of solid fuels already in transit. Common carriers by railroad subject to the Interstate Commerce Act have been ordered by the Interstate Commerce Commission to accept reconsignment, diversion or rerouting orders from the Solid Fuels Administrator for War (Service Order No. 177, 9 F.R. 64). It would be helpful to clarify the procedure of reconsigning, diverting or rerouting solid fuels in transit. Therefore, in order to effectuate the provisions of Executive Order No. 9332, and by virtue of the authority conferred by that order, the following regulation is issued by the Solid Fuels Administrator for War:

§ 602.250 *Definitions.* (a) "Solid fuels" includes all forms of anthracite, bituminous, sub-bituminous and lignitic coals (including packaged and processed fuels, such as briquettes).

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(c) "Producer" means any person (except when engaged in retail dealer transactions) engaged in the business of mining or preparing solid fuels (or the sales agent of such person).

(d) "Wholesaler" means any distributor, jobber, forwarder, commercial dock operator (river, lake, or tidewater), or other persons (except when engaged in retail dealer transactions) who acts in the capacity of a seller in a transaction involving the resale of solid fuels.

(e) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of solid fuels in a transaction involving the sale, or sale and delivery, of broken bulk solid fuels, physically handled in less than carload lots without regard to quantity or frequency of delivery.

§ 602.251 *Solid fuels in transit are subject to reconsignment, diversion or rerouting by or at the direction of the Solid Fuels Administration for War.* No producer or wholesaler shall ship or distribute solid fuels, and no person shall receive or arrange for the receipt of solid fuels, except upon condition that such solid fuels may be reconsigned, diverted or rerouted in transit by the Solid Fuels Administration for War.

§ 602.252 *Invoicing procedure.* Any person who is directed to reconsign, divert or reroute solid fuels in transit, or who has been notified by the Solid Fuels Administration for War that solid fuels shipped by such person have been reconsigned, diverted or rerouted in transit by the Solid Fuels Administration for War, should invoice the new consignee who will have been instructed by the Solid Fuels Administration for War to remit promptly to the original consignor the value of the solid fuels indicated in the invoice and to pay all transportation and other proper charges.

§ 602.253 *Notification to consignor and consignee by the Solid Fuels Administration for War.* Upon any reconsignment, diversion or rerouting by the Solid Fuels Administration for War of solid fuels in transit, the Solid Fuels Administration for War will notify the consignor and the original and new consignee of the direction which has been issued or the reconsignment, diversion or rerouting which has occurred.

§ 602.254 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this regulation.

§ 602.255 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation.

This regulation shall become effective immediately.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 4th day of February 1944.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 44-1803; Filed, February 7, 1944, 10:13 a. m.]

[Reg. 15]

PART 602—GENERAL ORDERS AND DIRECTIVES

RESTRICTIONS ON COAL SHIPMENT VIA GREAT LAKES

In order to effectuate the purposes of Executive Order No. 9332, and by virtue of the authority conferred by that order, the following regulation is issued by the Solid Fuels Administrator for War:

§ 602.265 *Definitions.* For purposes of this regulation:

(a) "Coal" means all bituminous, semi-bituminous and sub-bituminous coal having calorific value in British thermal units of more than seven thousand six hundred per pound or more and having a natural moisture content in place in the mine of less than 30 per centum.

(b) "Person" means any person, partnership, association, business, trust, corporation, government corporation or agency, or organized group of persons.

(c) "Producer" means any person to the extent that he is engaged in the business of mining coal at a mine producing 50 tons per day or more, or at a mine having rail or river shipping facilities regardless of tonnage produced, or any person who operates a central washery or preparation plant, or the sales agent of such persons.

(d) "Wholesaler" means any person, except a receiver, to the extent that he purchases and resells coal in not less than cargo or railroad car lots and shall include, without limitation, distributors, jobbers and cooperatives.

(e) "Receiver" means any commercial dock operator and any industrial consumer, or railroad, to the extent that he or it receives coal by vessel or barge at a dock or other unloading facility located on the Great Lakes.

§ 602.266 *Restrictions on shipments of coal via the Great Lakes except on contracts made before March 1, 1944.* (a) Producers, wholesalers and lake forwarders are prohibited from shipping any coal via the Great Lakes to any receiver except in accordance with a contract for such coal made on or before February 29, 1944, or in accordance with instructions or directions issued by the Solid Fuels Administration for War.

(b) No receiver in the United States shall accept any coal shipped via the Great Lakes except in accordance with a contract for such coal made on or before February 29, 1944, or in accordance with instructions or directions issued by the Solid Fuels Administration for War.

(c) Shipments may be made on any contract made on or before February 29, 1944, for the sale or delivery of coal to a receiver, unless prohibited by directions or regulations hereafter issued by the Solid Fuels Administration for War.

§ 602.267 *Information and reports to be filed.* (a) Each producer, wholesaler and lake forwarder of coal shall file on or before March 1, 1944, a report indicating, among other things, the tonnages, by sizes of coal (including vessel fuel) shipped to or via the Great Lakes during the 1942 season and the 1943 season of lake navigation, the names and locations of the purchasers or receivers and the total tonnage (including vessel fuel) contracted for prior to March 1, 1944, to be shipped to or via the Great Lakes during the 1944 season of lake navigation.

(b) Each receiver of coal shall file on or before March 1, 1944, a report indicating, among other things, the tonnages by producers, mines, sizes, and seams or kinds received during the 1942 and 1943 seasons of lake navigation and the tonnages of coal by producers, mines, sizes and seams or kinds contracted for prior to March 1, 1944, for shipment during the 1944 season of lake navigation. Each such receiver shall also report the tonnages of coal by sizes and seams or kinds which will be necessary in addition to the amount of coal for which contracts have been made, to meet the receiver's minimum requirements for coal during the period beginning May 31, 1944 and ending May 31, 1945.

(c) The reports required to be made pursuant to this section by producers, wholesalers, lake forwarders and receivers shall be filed in duplicate with the Solid Fuels Administration for War, Washington 25, D. C., on forms to be

prescribed by it and shall show to the extent required by such forms the data required to be reported in accordance with this section.

§ 602.268 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this regulation.

§ 602.269 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation.

§ 602.270 *Approval of Bureau of the Budget.* The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 602.271 *Violations.* (a) Any person who wilfully violates any provision of this regulation or who, by any act or omission, falsifies records kept or information furinshed in connection with this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment.

(b) Any person who wilfully violates any provision of this regulation may be prohibited from delivering or receiving any material under priority control or such other action may be taken as is deemed appropriate.

This regulation shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.)

Issued this 4th day of February 1944.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 44-1804; Filed, February 7, 1944; 10:13 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

SPECIAL INSTRUCTIONS AND REISSUANCE OF EXPIRED LICENSES

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), as amended, §§301.19 (b), 301.20 (e) and 301.23 (e) of the regulations under the Federal Explosives Act heretofore promulgated[1] are hereby amended to read as follows:

§ 301.19 *Special instructions for manufacturers.* * * *

(b) *Copies of licenses.* Every manufacturer of explosives shall furnish a certified or photographic copy of each of his licenses to each of his branch offices and shipping magazines and a certified or photographic copy of at least one of his licenses to each of his salesmen who handles or demonstrates explosives or ingredients.

§ 301.20 *Special instructions for industries using explosives.* * * *

(e) *Posting regulations.* Every licensed owner or operator of an industry using explosives shall keep posted upon the premises and available to his employees a copy of these regulations. Free copies may be obtained from licensing agents, explosives investigators and district and subdistrict offices of the Bureau of Mines, or by writing to the Explosives Control Division, Bureau of Mines, Department of the Interior, Washington 25, D. C.

§ 301.23 *Reissuance of expired licenses.* * * *

(e) *Expired license part of record.* Every expired license shall be preserved as a part of the records of the licensee to whom issued, and every certified or photographic copy of every license shall be preserved as a part of the records of the licensee to whom issued or shall be preserved by the person to whom such copy is furnished by the licensee.

R. R. SAYERS,
Director.

Approved: February 2, 1944.

MICHAEL W. STRAUS,
First Assistant Secretary,
Department of the Interior.

[F. R. Doc. 44-1794; Filed, February 7, 1944; 10:09 a. m.]

[1] 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 6175, 9606; 8 F.R. 1343, 3080, 4141, 15313.

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-451]

MISSION ELECTRIC COMPANY

Bernard Morrow is engaged in business under the name of Mission Electric Company at 19th and Valencia Streets, San Francisco, California. During the months of January through March, 1943, the company assembled about 85 radio phonograph combinations for the purpose of sale, without preference ratings, to the general public. Most of these instruments were sold later in 1943. Such assembly constituted a wilful violation of Limitation Order L-183, with the provisions of which Mr. Morrow had ample opportunity to become familiar.

This violation of Limitation Order L-183 has hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.451 *Suspension Order No. S-451.* (a) Bernard Morrow, doing business as Mission Electric Company, or otherwise, his successors or assigns, shall not directly or indirectly, acquire, or manufacture electronic equipment, as defined in Limitation Order L-265, except for use in the maintenance or repair of electronic equipment.

(b) Nothing contained in this order shall be deemed to relieve Bernard Morrow, doing business as Mission Electric Company, or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on February 4, 1944 and shall expire April 4, 1944.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1747; Filed, February 4, 1944; 4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-454]

SOUTHERN HEATER COMPANY, INC.

Southern Heater Company, Inc., 844 Baronne Street, New Orleans, Louisiana, is a distributor of plumbing and heating equipment. During the period from October 10, 1942 through January 1, 1943, Southern Heater Company, Inc., sold and delivered to ultimate consumers 31 new metal floor furnaces, amounting in value to more than $4,000, in violation of Limitation Order L-79. Since at the time of the sales the company knew of the terms of Limitation Order L-79, its violations of that order have been deemed wilful.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting critical equipment to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.454 *Suspension Order No. S-454.* (a) Deliveries of materials to Southern Heater Company, Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Southern Heater Company, Inc., its successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve the Southern Heater Company, Inc., its successors or

assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on 4th day of February 1944 and terminate on 4th day of April 1944.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1748; Filed, February 4, 1944; 4:38 p. m.]

PART 1170—USED RAIL AND USED RAIL JOINTS

[Limitation Order L-88 as Amended Feb. 5, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of used rail and used rail joints for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1170.1 *Limitation Order L-88*—(a) *What this amended order does.* This amended order keeps the previous control over the disposition of used rail of reroll or scrap grade. However, there is no longer any similar control over used rail of relayer grade or any obligation to furnish used rail after each receipt of new rail.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, government corporation or agency, or any organized group of persons, whether incorporated or not, except the Army or Navy of the United States and the United States Maritime Commission.

(2) "Rail" means the steel rolling mill shape known as the "tee rail," but does not include high tee rail from street car tracks.

(3) [Deleted Feb. 5, 1944.]

(4) "Used rail" means rail (weighing not less than 35 pounds nor more than 132 pounds per yard in length, weight determination based on steel rolling mill weight descriptions) which has been released from track by the laying of new replacement rail or used rail or by retiral of the track as a transportation facility.

(5) [Deleted Feb. 5, 1944]

(c) *Restrictions on disposition of used rail of reroll and scrap grades.* No person shall sell, transfer or otherwise dispose of any used rail of reroll grade or scrap grade in any amount exceeding 10 tons per month, unless specifically authorized in writing by the War Production Board. This restriction does not apply to used rail of relayer grade, nor does it prevent any person from using used rail of any grade in his own tracks.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, sales and use of used rail.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this order or otherwise.

(i) *Communications.* All communications concerning this order should be addressed to Scrap Unit, Steel Division, War Production Board, Washington 25, D. C., Ref.: L-88.

(j) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board, as amended from time to time.

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1757; Filed, February 5, 1944; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Direction 1]

SPECIAL PROCEDURE FOR GA 1456 AUTHORIZATION

The following direction is issued pursuant to CMP Regulation 6:

(a) *What this direction does.* (1) GA 1456 is the form used in authorizing agricultural, commercial and industrial construction and all other kinds of construction except as indicated in paragraph (a) (2) below, and in giving priorities assistance needed in connection with the construction authorized. The form is also used in granting priorities assistance needed for construction work of the kind mentioned even though no authorization to do construction is needed. This direction tells how to buy controlled materials and other products and materials needed to carry on the construction work described in the form.

(2) This direction does not apply to a person doing construction work which has been authorized or rated on forms other than GA 1456. Other forms are used for housing (except farm houses, certain apartment buildings and hotels which use a GA 1456); for certain kinds of construction carried on by the Army and Navy; for water, gas, steam heating, electric power, telephone and telegraph facilities for use by the public; for petroleum facilities; and for certain other specialized kinds of construction which are provided for under blanket orders of the WPB or by special authorization forms. CMP Regulation No. 6 and other directions to that regulation tell how construction of the kinds mentioned in this sub-paragraph (a) (2) is handled under the Controlled Materials Plan.

(b) *Applications and authorizations.* An application for an authorization on form GA 1456 should be made on form WPB-617. An application to amend an authorization on GA 1456 should also be made on form WPB-617. The authorization on form GA 1456 will contain various provisions limiting the kinds of material which may be used in the job and the type of construction which is permitted. The allotment symbol and preference rating may only be used to order materials and equipment needed to complete the project in accordance with the terms of the authorization.

(c) *Allotment symbol and preference rating.* The allotment symbol F-6 and the preference rating assigned by the GA 1456 authorization may be used to order all products, machinery, equipment and material, other than machinery and equipment of the kind that must be listed in section III of WPB-617, needed to complete the project. The symbol and rating may also be used to order those items of machinery and equipment of the kind that must be listed in section III of WPB-617 which have been approved under the terms of the authorization on GA 1456.

(d) *How to order materials.* (1) The allotment symbol may be used to order controlled materials and Class A products by:

(i) The applicant;

(ii) By manufacturers of Class A products or Class A components of Class A products to be incorporated in the project;

(iii) By contractors and sub-contractors doing all or any part of the construction work.

The applicant must not use the allotment symbol or give others the right to use it before he has received a GA 1456 authorization. A manufacturer, contractor or subcontractor must not use it, or give others the right to use it, unless he has received a statement in substantially the following form endorsed on the order or contract by the person placing it, signed manually or in the way explained in Priorities Regulation 7:

Serial Number _____ (identifying project). You are authorized to use the allotment symbol F-6 to order controlled materials and Class A products needed to fill this order or contract.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with

whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35A of the United States Criminal Code, that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard form described in Priorities Regulation 7 cannot be used instead of the above statement.

(2) The preference rating may be used to order all materials other than controlled materials. If an applicant, contractor or subcontractor orders a Class A product the certificate described in Priorities Regulation 7 must be used in addition to the statement set forth in paragraph (d) (1) above. If a contractor or sub-contractor needs a preference rating to buy materials the rating may be given him by use of the certificate set forth in Priorities Regulation 7. In using the rating to buy all products and materials other than controlled materials or Class A products the certificate in Priorities Regulation 7 must be used and the allotment symbol F-6 must be used along with the preference rating for purposes of identification.

(3) Each person using the allotment symbol or preference rating must maintain at his regular place of business, for a period of two years, records of the right to use the symbol or preference rating, records, kept by serial number identifying the project, of the amount of materials ordered with the allotment symbol or rating and records showing that the materials so ordered were used for the purpose for which the right to use the symbol or rating was granted.

(4) The use of the allotment symbol F-6 will not be limited to any particular month or quarter and, therefore, no quarterly identification need be shown when using it. Authorized controlled material orders must, however, show the month in which delivery is requested. The allotment symbol may not be used in placing authorized controlled material orders after the expiration date of the project but delivery after such date may be specified on orders placed before then.

(5) The allotment symbol and preference rating must not be used to order materials in greater quantities, or on earlier dates, then needed for the construction. It may be used not only to order materials needed for the construction but also to replace in inventory materials used for the construction. Attention is called to CMP Regulation No. 2 which places a restriction on inventories of controlled materials which must be complied with.

(6) A person who has the right under this direction to use an allotment symbol in ordering controlled materials must endorse the symbol on his order and the form of certification set out in CMP Regulation No. 7, signed manually or in the way explained in Priorities Regulation No. 7. An order so endorsed is an authorized controlled material order (i) if it is a "delivery order" as defined in paragraph (b) (9) of CMP Regulation No. 6, (ii) if it is in sufficient detail to permit entry on mill schedules and (iii) if, when placed with a controlled materials producer, it is received at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(e) This direction shall become effective on February 15, 1944.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1758; Filed, February 5, 1944; 11:16 a. m.]

PART 3208—SCHEDULED PRODUCTS

[Table 8 to General Scheduling Order M-293, Direction 1 as Amended Feb. 5, 1944]

PRODUCTION OF BOILERS FOR STOCK

The following amended direction is issued pursuant to Table 8 to General Scheduling Order M-293:

In order to conserve materials and manufacturing facilities for the production of land power boilers, boiler units and auxiliaries listed on Table 8 of General Scheduling Order M-293, and to prevent the accumulation of duplicate stocks of such boilers, units and auxiliaries in the hands of manufacturers, dealers and warehouses, the following Direction under Table 8 of M-293 is issued:

(1) Notwithstanding the provisions of Priorities Regulation 1, or of paragraphs (c) (2) and (d) (2) of General Scheduling Order M-293, no manufacturer shall, without specific authorization from the War Production Board, begin production of any boiler, boiler unit or auxiliary listed on Table 8 of General Scheduling Order M-293, which the manufacturer knows, or has reason to believe, will be held in the stock of any manufacturer, wholesaler, dealer or any other person rather than shipped directly for installation.

(2) Application for such specific authorization should be made by letter addressed to War Production Board, Washington 25, D. C., Reference M-293, Table 8.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1759; Filed, February 5, 1944; 11:25 a. m.]

PART 3286 [1]—MISCELLANEOUS MINERALS

[General Preference Order M-109 as Amended Feb. 5, 1944]

ROUGH DIAMONDS

Section 3286.26 [1] *General Preference Order M-109* is hereby amended to read as follows:

§ 3286.26 *General Preference Order M-109*—(a) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board regulations as amended from time to time.

(b) *Reports of stocks.* Every dealer, toolmaker, and cutter and polisher, and every other person other than a consumer, who at any time during the calendar quarter ending March 31, 1944, or at any time during any calendar quarter thereafter, has title to 250 carats or more of rough diamonds in any form, including those incorporated in any unused tool or other industrial device, shall file Form WPB-749 (formerly PD-376) in duplicate with the War Production Board, on or before the 15th day of the month succeeding the end of the quarter.

(c) *Reports of sales or transfers of loose rough diamonds in quantities of 25 carats or more and of crushing bortz in quantities of 100 carats or more.* Beginning February 5, 1944, no person shall purchase, or otherwise acquire title to, and no person shall sell or otherwise transfer to any one purchaser, any crushing bortz in a quantity of 100 carats or more, or other rough diamonds, which have not been incorporated in a tool or other industrial device, in a quantity of 25 carats or more, in any calendar month, unless both purchaser and seller execute Form WPB-751 (formerly PD-377) in quadruplicate, signed manually or as provided in Priorities Regulation No. 7. One copy of the completed form shall be returned to the purchaser, one copy shall be retained by the seller, and two copies shall be filed by the seller with the War Production Board within 10 days after the sale or transfer to which the form relates.

(d) *Reports of imports.* Imports of rough diamonds shall not be subject to the provisions of paragraph (c). Beginning February 5, 1944, every person who imports any rough diamonds shall, within 10 days after receipt of each imported shipment, file with the War Production Board Form WPB-751 in duplicate, giving all the information required thereby to be furnished by the purchaser. Such report shall give the name of, but need not be signed by, the person from whom such imported rough diamonds were acquired.

(e) *Reports of sales or transfers of loose rough diamonds in quantities less than 25 carats, of crushing bortz in quantities less than 100 carats, and of rough diamonds in tools.* Beginning February 5, 1944, every person who makes any sale or transfer of loose rough diamonds in a quantity of less than 25 carats, or of crushing bortz in a quantity of less than 100 carats, or of rough diamonds (regardless of quantity) physically incorporated in an unused tool or other industrial device, shall file with the War Production Board on or before the 15th day of the month succeeding the month in which the sale or transfer occurred Form WPB-750 (formerly PD-378) in duplicate covering all sales and transfers made during the preceding month which have not been covered by certificates filed in accordance with paragraph (c).

(f) *Restrictions upon industrial sales.* Beginning February 5, 1944, no person shall sell or transfer rough diamonds not incorporated in a tool or other industrial device, and no person shall purchase or accept a transfer of rough diamonds not incorporated in a tool or other industrial device, unless:

(1) The sales or transfers aggregate less than 100 carats of crushing bortz or less than 25 carats of other rough diamonds to a single customer in a single calendar month: *Provided, however,* That all such sales or transfers shall be reported on Form WPB-750 in accordance with paragraph (e); or

(2) The sales or transfers are to fill orders bearing a preference rating of AA-5 or higher: *Provided, however,* That all such sales or transfers shall be reported on Form WPB-751 in accordance with paragraph (c), giving in each case, in addition to all other information required by such form, the preference rating of the order pursuant to which the sales or transfers were made; or

[1] Formerly Part 1131, § 1131.1.

(3) The sales or transfers are specifically authorized by the War Production Board in accordance with the following procedure:

When the sale or transfer has been negotiated, the seller or transferor shall immediately package and seal the diamonds and shall hold them subject to authorization or disapproval of the transaction by the War Production Board; and seller and purchaser shall immediately apply to the War Production Board for authorization to make the sale or transfer, upon Form WPB–751, plainly marked "Application" for this purpose, giving all the information required by the form. This application shall be executed by both the seller and the purchaser and shall be filed with the War Production Board, Empire State Building, New York, New York, Ref: M–109, in quadruplicate. If the seller has not received written authorization or disapproval of the transaction from the War Production Board within a period of 10 days from the date of filing the application with the War Production Board, the application shall be considered as having been disapproved. Sales or transfers made pursuant to express authorization shall be considered as having been duly reported for the purposes of paragraph (c).

The restrictions of this paragraph (f) shall apply to sales or transfers for export as well as to domestic transactions.

(g) *Restrictions upon cuttable sales.* Beginning February 5, 1944, except as authorized in writing by the War Production Board, no person shall sell, transfer, or use any rough diamond as a cuttable stone or for the purpose of making a gem therefrom, which he acquired as an industrial stone. If the stone was acquired as part of an allotment, assortment, or series of industrial stones, it shall be conclusively presumed that the stone is an industrial stone. Application for such authorization shall be filed with the War Production Board on Form WPB–751.

(h) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(j) *Communications and reports.* All reports, applications, and certificates required to be filed under this order and all communications concerning this order shall be addressed to: War Production Board, Empire State Building, New York, New York, Ref: M–109.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Definitions.* As used in this order:

(1) "Rough diamonds" means any diamond material that has not been cut and polished as a gem stone, and, unless otherwise stated, shall include rough diamonds incorporated in an unused tool or other industrial device.

(2) "Crushing bortz" means the lowest grade of rough diamonds, useful only after having been crushed into powder.

(3) "Dealer" means any person whose principal business, as far as concerns rough diamonds, is the buying and selling of rough diamonds, and who only incidentally, if at all, incorporates such diamonds in tools or other industrial devices, or cuts, polishes, or otherwise consumes them.

(4) "Toolmaker" means any person whose principal business, as far as concerns rough diamonds, is the manufacture of tools or other industrial devices containing diamonds, and who only incidentally, if at all, consumes in other ways, or sells rough diamonds.

(5) "Cutter and polisher" means any person whose principal business, as far as concerns rough diamonds, is the cutting or polishing, or cutting and polishing, of rough diamonds for use as gem stones, and who only incidentally, if at all, sells rough diamonds or consumes them in other ways. The term includes any person who has such cutting and polishing done for him by others under toll agreement or otherwise.

(6) "Consumer" means any person, other than a dealer, toolmaker, or cutter and polisher, who uses rough diamonds, either loose or incorporated in tools or other industrial devices, by applying them to some business or industrial use. The term does not include a trustee or agent who holds rough diamonds for the account of some other person, unless such other person is a consumer; nor does it include any person who holds rough diamonds for investment or speculative purposes.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1761; Filed, February 5, 1944; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L–215, as Amended Feb. 5, 1944]

TEXTILE, CLOTHING AND LEATHER MACHINERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of textile, clothing and leather machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.150 *General Limitation Order L–315*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on purchases of textile, clothing and leather machinery.* No person (including dealers) shall, in any transaction of purchase, lease or rent, accept delivery of any machinery of the kinds on List A at the end of this order without obtaining the approval of the War Production Board on Form WPB–1823 (formerly PD–744) or Form WPB–617 (formerly PD–200). Application for such approval must be filed whether the machinery in question is new, used or rebuilt, unless exempted in paragraph (d) below.

In determining whether to grant or deny applications on Form WPB–1823, the War Production Board will give consideration to the following: availability of the type of machinery in question; the essentiality of the output of activity for which such machinery is to be used; the productive capacity and condition of the machinery to be replaced or supplemented; the labor supply in the area where the machinery is proposed to be used, and any other factors peculiar to the particular application.

(c) *Production and sales schedules of machinery manufacturers.* Each person constructing or assembling for sale or lease any machinery on List A, or reconditioning or rebuilding any textile machinery or equipment for sale or lease, shall file a schedule for the purpose of obtaining approval of his production and deliveries and shall keep his production and deliveries within the limits authorized on these schedules after they have been approved. No person whose operations are covered by this paragraph shall conduct such operations except in accordance with an approved schedule.

The schedule filed by manufacturers of textile machinery and cotton ginning and delinting machinery shall be on Form WPB–1805 (formerly PD–746), and shall be filed on or before the 15th day of each month. Schedules of manufacturers of other types of machinery on List A shall be filed on Form WPB–1806 (formerly WPB–745) not later than 15 days from the end of each calendar quarter.

(d) *Exceptions.* It shall not be necessary to file applications or schedules under paragraph (b) or (c) with respect to the following:

(1) Used or rebuilt textile machinery.

(2) The following tanning, shoe, shoe repairing and other leather working machinery:

(i) Used or rebuilt tanning machinery, whether sold, leased or rented;

(ii) Used or rebuilt shoe manufacturing machinery, whether sold, leased or rented, except eyeletting, clicking, dinking and skiving machinery;

(iii) New, used or rebuilt shoe repairing machinery sold for less than $50;

(iv) All other leather working machinery sold for less than $200, except

clicking, dinking and skiving machinery, and power driven eyeletting machines.

(3) Used or rebuilt industrial sewing machines, whether sold, leased or rented.

(4) [Deleted, Feb. 5, 1944.]

(5) Used or rebuilt cotton ginning and delinting machinery.

(6) Parts purchased for repair, maintenance or operating supplies, as defined in Preference Rating Order P–139.

(7) Parts and attachments to industrial sewing, clothing, shoe and leather working machinery, where such attachments are purchased only for conversion purposes.

(8) The delivery of machinery or attachments as a part of a transaction involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated and where the enterprise is to be continued and the products to be made are to be substantially the same in quantity and type.

It is not necessary to file any application or schedule under this order with respect to any type of machinery covered by General Limitation Order L–91.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

Leather working machinery:
Tanning machinery.
Shoe manufacturing machinery.
Shoe repairing machinery.
Other leather working machinery.

Textile machinery and equipment (machinery and mechanical equipment used in mills for carding, combing, spinning, throwing, weaving, winding, knitting, printing, bleaching, dyeing and otherwise processing or finishing cotton, wool, silk, flax, hemp, jute and other fibers and products of these fibers.)

Industrial sewing machines.

Cotton ginning and delinting machinery.

NOTE: "Clothing machinery" was deleted from the restricted list on February 5, 1944.

[F. R. Doc. 44–1760; Filed, February 5, 1944; 11:16 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Conservation Order L–318, Revocation]

SPOT WELDING ELECTRODES

Section 1226.108 *Order L–318* is hereby revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of Spot Welding Electrodes remain subject to all applicable regulations and orders of the War Production Board.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1831 Filed, February 7, 1944; 11:14 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L–199 as Amended Feb. 7, 1944]

PLUMBING & HEATING TANKS

§ 3288.6 *General Limitation Order L–199*—(a) *Definitions.* For the purpose of this order:

(1) "Tank" means any metal expansion tank, metal domestic hot water storage tank, metal range boiler, metal tank for any underfired storage water heater and metal tank for hot water generators, if the tank or range boiler is used in domestic hot water supply systems or in hot water space heating systems.

(2) "Domestic hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes. The term does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(3) "Hot water space heating system" means any system which is designed for the purposes of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(4) "Metal jacket" means any metal covering (but not any metal band two inches or less in width used to support dry insulation) for a tank, except any ferrous metal wire netting used as a base for the wet application of insulating materials.

(5) "Metal tank support" means any metal device used for the purpose of suspending or supporting a tank and includes, but is not limited to, stands, pipe stands, brackets, cradles, platforms, saddles, hangers, legs, feet and angle, I-beam, channel and other structural iron or steel framework.

It does not include strap iron hangers, cast iron range boiler stands, supports for a metal tank for underfired storage water heater, cast iron cradles, cast iron legs and cast iron feet for water storage tanks.

(6) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40 per cent of the total weight of the alloy. It includes alloy metal produced from scrap.

(7) "Stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel or other alloying elements.

(8) "Producer" means any person who manufactures, fabricates or assembles new tanks.

(b) *Manufacture and installation of metal jackets and supports.* No person shall manufacture, or fabricate, any metal jacket or any metal tank support (whether or not for repair or replacement) except:

(1) To fill a specific contract, subcontract, or purchase order for use as part of the equipment of any aircraft, or any vessel other than pleasure craft; or

(2) For a tank which is an integral part of a machine.

(c) *Use of copper and alloy steel in manufacture.* No person shall use in the manufacture of a tank any copper, copper base alloy, non-ferrous metal, stainless steel, or monel metal except:

(1) For repair and replacement parts;

(2) For temperature, pressure, vacuum safety valves;

(3) To the extent necessary to conform to the specifications, other than performance specifications, of the prime contractor in the manufacture of any tank which is being produced under a specific contract, subcontract, or purchase order for use as part of the equipment of any aircraft, or vessel for delivery to, or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(d) *Use of copper in installation of repair and replacement parts.* (1) No person may install tank parts containing a total of more than two pounds of copper and copper base alloy as repair or replacement unless he takes from the tanks to be repaired at least an equal amount of these metals, within one pound, and arranges for its repair for re-use, or turns it in to a scrap dealer or other person who may accept delivery under Order M–9–b. Any replaced monel metal or stainless steel must also be repaired for re-use or delivered to a scrap dealer.

(2) No person may deliver or install copper, copper base alloy, monel metal or stainless steel tanks in existing inventories except to replace a non-ferrous tank of similar capacity or larger.

(e) *Restrictions on manufacture of range boilers and tanks.* (1) No person may fabricate, manufacture or assemble black iron, galvanized iron, or porcelain enameled range boilers; black iron or galvanized iron expansion tanks; or black iron or galvanized iron hot water storage tanks, except in accordance with the specifications in Schedules A, B, C, and D.

(2) The above restrictions shall not apply

(i) To any boiler or tank which, before the restrictions became applicable to it, was so machined or processed that its manufacture, in accordance with the schedules, would be impracticable.

(ii) To black iron or galvanized iron hot water storage tanks manufactured, fabricated or assembled of materials in any producer's inventory before December 1, 1943.

(iii) To any variation which is necessary to conform to the specifications, other than performance specifications, of the prime contractor in the manufacture of any boiler or tank which is being produced under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or vessel for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States.

(f) [Deleted Feb. 7, 1944.]

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB–1477 (formerly PD–500) with the field office of the War Production Board, for the district in which is located the plant or branch of the person filing the appeal.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L–199.

(i) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

BLACK IRON OR GALVANIZED RANGE BOILERS—STANDARD AND EXTRA HEAVY—PERMITTED SPECIFICATIONS

Inside diameter of tank	Length of shell (length of sheet—not over-all length)	Nominal capacity	Tappings pipe size	Tappings	Maximum working pressure (standard)	Maximum working pressure (extra heavy)
Inches	*Inches*	*U. S. gals.*	*Inches*	*Number*	*Lbs./sq. in.*	*Lbs./sq. in.*
12	30	15	1	6	85	150
12	60	30	1	6	85	150
14	60	40	1	6	85	150
18	60	66	1	6	85	150
20	60	82	1½	6	85	150
24	60	120	1½	6	85	150

Construction: Welded seams only.

Hand Holes and Manholes: None permitted.

Inspection Tapping: None permitted.

Working Pressure:

"Standard"—85 pounds per square inch maximum working pressure, 200 pounds per square inch hydrostatic test pressure.

"Extra Heavy"—150 pounds per square inch maximum working pressure, 250 pounds per square inch hydrostatic test pressure.

Tappings: Six tappings: One side tapping, 6 inches from the top edge of sheet, and one 6 inches from the bottom edge of sheet in line; two tappings in the top; one tapping in the bottom; and one tapping on the side at 180° from the line of the other two side tappings—15 gallon size tanks to have such tappings 9 inches from the bottom edge of sheet, all other size tanks to have such tapping 18 inches from the bottom edge of sheet.

Dip Tubes: Dip tubes may be furnished when desired, provided no non-ferrous metal, monel metal, or stainless steel is used.

SCHEDULE B

PORCELAIN ENAMELED RANGE BOILERS—PERMITTED SPECIFICATIONS

Standard Sizes (Nominal capacity):	*Hydrostatic test pressure (pounds per square inch)*
30 U. S. gallons	250 or 300
40 U. S. gallons	300
52 U. S. gallons	300

Enameled range boilers shall be constructed in accordance with Commercial Standards TS 3488.

SCHEDULE C

EXPANSION TANKS—PERMITTED SPECIFICATIONS

Inside diameter (inches)	Length of shell (length of sheet—not over-all length) (inches)	Nominal capacity (U. S. gal.)	Finish	Type
12	30	15	Galvanized or painted	Vertical or horizontal.
12	60	30	Painted	Horizontal.
14	30	20	Galvanized	Vertical.
14	60	40	Painted	Horizontal.

Construction: Welded seams only.

Working Pressure:

30 pounds per square inch maximum working pressure.

60 pounds per square inch hydrostatic test pressure.

Tappings: Maximum of three tappings on black (painted) basement horizontal type expansion tank; one ½" tapping in one head (near bottom rim); and one 1" and one ½" tapping along bot.om 6" and 12" respectively from opposite head edge of sheet.

Maximum of five tappings on galvanized attic vertical type expansion tanks; one 1" tapping in each head and one 1" tapping on right side 4" up from bottom edge of sheet; and two ½" gauge glass tappings located on front 13½" between centers of tappings.

SCHEDULE D

STORAGE TANKS—PERMITTED SPECIFICATIONS

Black or galvanized iron hot water storage tanks				Black iron hot water storage tanks (galvanizing not permitted)		
Inside diameter of tanks	Length of shell (length of sheet—not over-all length)	Nominal capacity of tanks with two plus heads	Nominal capacity of tanks with one plus and one minus head	Inside diameter of tanks	Length of shell (length of sheet—not over-all length)	Nominal capacity of tanks with two plus heads
Inches	*Inches*	*U. S. gals.*	*U. S. gals.*	*Inches*	*Inches*	*U. S. gals.*
24	60	130	120	42	96	640
24	72	155	140	42	120	780
30	60	210	185	42	144	925
30	72	245	220	42	180	1,140
30	96	320	295	48	96	840
30	120	390	365	48	120	1,030
36	96	465	420	48	144	1,220
36	120	570	525	48	180	1,500
				48	216	1,780

INTERPRETATION 1

[Interpretation 1 was superseded November 22, 1943.]

INTERPRETATION 2

The definition of "tank" in paragraph (a) (1) includes tanks produced for underfired storage water heaters, and consequently the restrictions in the text of the order apply to such tanks, but none of the schedules attached to the order apply to them. (Issued Nov. 22, 1943.)

[F. R. Doc. 44–1832; Filed, February 7, 1944; 11:14 a. m.]

PART 3289 [1]—RADIO AND RADAR

[General Preference Order M–369 as Amended Feb. 7, 1944]

TUNGSTEN AND MOLYBDENUM PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tungsten and molybdenum products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3289.61 [1] *General Preference Order M–369*—(a) *Definitions.* For the purpose of this order:

(1) "Tungsten products" means the element tungsten in pure form fabricated

[1] Formerly Part 3294, § 3294.156.

to the extent that it is hydrogen-reduced powder, ingot, wire, rod or sheet, or further fabricated into shapes, such as, but not limited to, coils, filaments, spirals, grids, welds, leads or plates, but does not include tungsten in the form of carbon-reduced powder or tungsten contacts.

(2) "Molybdenum products" means the element molybdenum in pure form fabricated to the extent that it is hydrogen-reduced powder, ingot, wire, rod or sheet, or further fabricated into shapes such as, but not limited to, coils, filaments, spirals, grids, welds, leads or plates, but does not include molybdenum in the form of carbon-reduced powder or molybdenum contacts.

(3) "Alloy products" means any ingot, wire, rod or sheet which contains substantially pure tungsten and molybdenum but no other material.

(4) "Processor" means any person who produces tungsten or molybdenum in the form of hydrogen-reduced powder, ingot, wire, rod or sheet.

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(c) *Restrictions on deliveries.* No person shall make delivery of, and no person shall accept delivery of, tungsten products, molybdenum products or alloy products without the specific authorization in writing of the War Production Board. The restrictions of the first sentence of this paragraph shall not apply to deliveries between affiliates, or to deliveries from one branch, division, department, or section of a single enterprise to another branch, division, department, or section of the same enterprise, of molybdenum products, tungsten products or alloy products to be made into ingot, rod, wire or sheet; but they shall apply to all deliveries of molybdenum products, tungsten products or alloy products between affiliates, and to intra-company deliveries thereof, in all cases not just mentioned. In addition, use of rod to make contacts shall be deemed a delivery when the rod and contacts are manufactured in the same branch, division, department or section of a single enterprise.

(d) *Reports and applications.* (1) Each processor shall file, in such manner as the War Production Board may from time to time prescribe, reports with the War Production Board on or before the seventh day of each calendar month, showing his proposed production of tungsten products, molybdenum products or alloy products for the second succeeding calendar month. For example, reports to be filed on or before the seventh day of February will show proposed production for April.

(2) Each person who desires to acquire any tungsten products, molybdenum products or alloy products shall apply to the War Production Board for an authorization which, if granted, will permit his supplier to deliver the desired tungsten products, molybdenum products or alloy products. The application shall be made not later than the first day of the second month preceding the month in which delivery of the tungsten products, molybdenum products or alloy products is desired, on Form WPB–2868 and/or WPB–765, or such other form as the War Production Board may from time to time prescribe. For example, applications shall be made not later than the first day of March for deliveries desired in May. All such applications must be accompanied by reports of the applicant on Form WPB–2870 and/or WPB–2446, or on such other form as may be prescribed for the purpose from time to time by the War Production Board. In order to facilitate the desired delivery of tungsten products, molybdenum products or alloy products, it is imperative that each applicant file with his supplier a copy of Form WPB–2868 and/or WPB–765 broken down into the various categories at the same time he submits the original application to the War Production Board on that form. Failure by that person to file this copy with his supplier on the date specified may result in his failing to secure an allocation.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Communications to the War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Radio and Radar Division, War Production Board, Washington 25, D. C., Reference M–369.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1833; Filed, February 7, 1944; 11:14 a. m.]

PART 3293—CHEMICALS[1]

[Allocation Order M–334, as Amended Feb. 7, 1944]

SODIUM PHOSPHATES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sodium phosphates for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.476[1] *Allocation Order M–334*—(a) *Definitions.* (1) "Sodium phosphate" means di sodium phosphate, tri sodium phosphate, tetra sodium pyrophosphate, sodium tetra phosphate, sodium hexameta phosphate (in soluble form only) and sodium tri poly phosphate. The term includes sodium phosphates in both the anhydrous and hydrated forms.

(2) "Producer" means any person engaged in the production of sodium phosphates and includes any person who has any such material produced for him pursuant to toll agreement.

(3) "Primary distributor" means any person who purchases sodium phosphates direct from a producer for purposes of resale as sodium phosphates.

(4) "Supplier" means a producer, primary distributor or any other person who purchases sodium phosphates for resale as sodium phosphates.

(5) "Allocation period" means one of the following bi-monthly periods:

January–February.
March–April.
May–June.
July–August.
September–October.
November–December.

(b) *Restrictions on delivery.* (1) On and after July 1, 1943, no producer or primary distributor shall deliver any sodium phosphate to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of sodium phosphate which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each allocation period by producers and primary distributors will so far as practicable be issued by War Production Board prior to the commencement of such allocation period (in the normal case on Form WPB–2947 (formerly PD–602) filed pursuant to paragraph (f) (1) hereof), but War Production Board may at any time issue directions with respect to deliveries to be made.

(3) In the event that any producer or primary distributor after receiving notice from War Production Board with respect to a delivery of sodium phosphates which he is authorized or directed to

[1] Formerly Part 3272, § 3272.1.

make to any specific customer, shall be unable to make such delivery either because of receipt of notice of cancellation from such customer or otherwise, such producer or primary distributor shall forthwith give notice of such fact to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-334, and shall not, in the absence of specific authorization or direction in writing from War Production Board, sell or otherwise dispose of the sodium phosphates which he is unable to deliver as aforesaid.

(c) *Restrictions on use.* (1) On and after July 1, 1943, no producer shall use any sodium phosphate for a purpose other than the manufacture of any other sodium phosphate, except as specifically authorized or directed in writing by War Production Board.

(2) Each person who, with an order for sodium phosphates, furnishes a certificate required by paragraph (e) (1), shall use the sodium phosphates delivered on such order only as specified in such certificate, except as otherwise authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of sodium phosphates to be delivered or then in inventory.

(d) *Exceptions to requirements for specific authorization.* Notwithstanding the provisions of paragraph (b) (1), specific authorization or direction of War Production Board shall not be required for:

(1) The delivery by any producer or primary distributor to any person in any allocation period of not more than 2,000 lbs. of any sodium phosphate.

(2) The delivery by any producer or primary distributor to any person in any allocation period of not more than 20,000 lbs. of any sodium phosphate; provided that such producer or primary distributor shall have received from such person the certificate called for by paragraph (e) (1), showing that the quantity of such sodium phosphate ordered for delivery in such allocation period, together with all other quantities of such sodium phosphate delivered or ordered for delivery in such allocation period, does not exceed 20,000 lbs.

(e) *Certification of customer's use.* (1) No supplier shall in any allocation period beginning with March–April, 1944, deliver to any person more than 2,000 lbs. of any sodium phosphate unless prior thereto he shall have received from such person a certificate in substantially the following form:

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order M-334:

I. That the sodium phosphate(s) hereby ordered for delivery in _____, 194____, months will be used by him for the following purpose(s) only:

Use A _____lbs.
Use B _____lbs.

II. That the quantity of each sodium phosphate hereby ordered for delivery in such month, taken with all other quantities of such sodium phosphate delivered or ordered for delivery in such months, does not exceed 20,000 lbs.

[NOTE: a. Omit II if not applicable.]

b. Where more than one sodium phosphate is ordered, specify in first column 'di sodium phosphate', 'tri sodium phosphate', etc., and for each sodium phosphate, show quantities and uses separately.

c. For other instructions see paragraph (e) (2).]

_____
Name of purchaser

_____ By _____ _____
Date Duly authorized official Title

Suppliers are requested to obtain certificates with respect to deliveries in any allocation period not later than the 10th day of the preceding month. The certificate required by this paragraph need not be filed with War Production Board. It shall be signed by an authorized official either manually or as provided in Priorities Regulation No. 7.

(2) In filling out the certificate called for by paragraph (e) (1), the purchaser will specify use or uses as follows:

Boiler water treatment (including industrial water conditioning)
Foods and drugs (incorporation in)
Direct military (Armed Services, including Maritime Commission, War Shipping Administration—specify which)
Military equipment and supply manufacture
Oil well drilling
Other (specify)
Resale (as sodium phosphates)
Inventory (as sodium phosphates)

If purchase is for resale, applicant will specify "resale" followed by statement of use or uses (in terms of the uses specified in this paragraph) to which each sodium phosphate will be put by his customer, except that a primary distributor need specify only "resale".

(f) *Applications and reports.* (1) Each producer and primary distributor requiring authorization to deliver sodium phosphates during any allocation period (and each producer seeking authorization to use sodium phosphates during any such allocation period) shall file application on or before the 15th day of the preceding month. Application shall be made on Form WPB–2947 (formerly PD–602) in the manner prescribed therein, subject to the following instructions:

(i) Copies of Form WPB–2947 (formerly PD–602) may be obtained at local offices of War Production Board.

(ii) An original and three copies shall be prepared of which the original and two copies shall be filed with War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M–334, the third copy being retained for applicant's files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(iii) A separate set of Form WPB–2947 (formerly PD–602) shall be filed for each sodium phosphate for which authorization to deliver or use is sought.

(iv) In the heading, under "Name of Material" specify the particular sodium phosphate to which the application relates (for example, "di sodium phosphate"); under "Grade" specify "Anhydrous" or "Crystal" and if crystal, indicate degree of hydration; under "WPB Order No.", specify "M–334"; under heading "This schedule is for delivery to be made during month/quarter _____, 194__" strike out word "quarter" and indicate months and year to which the application relates; under "Unit of measure", specify "Pounds".

(v) In Column 1, applicant will list the name of each customer who has placed with him an order for delivery in the applicable allocation period of more than 20,000 lbs. of any sodium phosphate. If it is necessary to use more than one sheet to list such customers, applicant will number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(vi) With respect to each order from a customer in the applicable allocation period of more than 20,000 lbs. of any sodium phosphate, applicant will specify in Column 1–a the purpose for which his customer will use such sodium phosphate, or in the case that such sodium phosphate is purchased for resale, the fact that it is purchased for resale and the purpose for which such resale will be made. If the sodium phosphate ordered by the customer is for two or more uses, applicant will list each use separately and will show the quantity of sodium phosphate ordered for each use.

(vii) With respect to orders of more than 2,000 lbs. but not more than 20,000 lbs. of any sodium phosphate, names of customers need not be listed but the aggregate quantity of each sodium phosphate ordered for each use will be lumped. More specifically, applicant will specify in Columns 1 and 1–a "Total orders for 20,000 lbs. or less for use in ____" (inserting in blank the purpose for which customer will use the sodium phosphate), and will specify in Column 4 the total quantity represented by the orders for such product.

(viii) With respect to orders from a customer for delivery of not more than 2,000 lbs. of any sodium phosphate in the applicable allocation period, neither name of customer nor use need be shown. Instead, applicant will state in Columns 1 and 1–a "Total small order deliveries (estimated)" and in Column 4 will specify the total estimated quantity to be delivered.

(ix) A producer requiring permission to use a part or all of his own production of sodium phosphates shall list his own name as customer in Column 1 on Form WPB–2947 (formerly PD–602), specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB–2947 (formerly PD–602) shall constitute authority to the producer to use sodium phosphates in the quantity and for the purposes indicated in such approved form.

(x) Leave Column 6 blank.

(xi) Each producer will report production, deliveries and stocks as required by Table II, Columns 8 to 16, inclusive. Primary distributors will fill out only Columns 8, 10, 12 and 13.

(2) Each person (not including the Army, Navy and other departments and agencies of the United States Government) shall file with the War Production Board a one-time report on Form WPB–2945 (formerly PD–600) on or before the 15th day of the month preceding the first allocation period for which he requests delivery of more than 20,000 lbs. of any sodium phosphate. This report need be filed only once for any one sodium phosphate (reports filed under this paragraph as in effect prior to February 7th, 1944, need not be repeated), but must be filed for each different sodium phosphate for which more than 20,000 lbs. is requested in any allocation period. The report on Form WPB–2945 shall be filed in the manner described therein subject to the following instructions:

(i) Copies of Form WPB–2945 (formerly PD–600) may be obtained at local field offices of the War Production Board.

(ii) The original and one copy shall be prepared of which the original shall be filed with War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–334, the copy being retained for applicant's files. The original copy shall be signed by a duly authorized official.

(iii) A separate set for Form WPB–2945 (formerly PD–600) shall be filed for each sodium phosphate respecting which a report is required.

(iv) In the heading under "Name of chemical", specify particular sodium phosphate to which report relates (for example, di sodium phosphate"), under "WPB Order No.", specify "M–334"; under "Indicate unit of measure", specify "Pounds"; strike out heading "Supplier with whom this order is placed", and insert "Usual supplier", and give his name, mailing address and shipping point (if more than one usual supplier, list all suppliers, if necessary using back of Form); under "Your company name", specify applicant's name and indicate mailing address and delivery destination.

(v) Strike out heading at top of Table I "Application for delivery and/or use required for your next month's operations", as well as headings at the top of Columns 2, 3, 4, 9 and 10.

(vi) In Table I applicant will specify the aggregate quantity of each sodium phosphate which he used and/or resold in each calendar quarter beginning with the third quarter of 1941 to and including the first quarter of 1943. More specifically, he will list in Column 4 "Third quarter 1941", "Fourth quarter 1941", etc., and opposite the appropriate heading he will indicate in Column 2 the aggregate quantity of such sodium phosphate used and resold in each such quarter, and in Column 1 (grade) will specify "Anhydrous" or "Crystal" and if crystal, the degree of hydration. If during any such quarter, applicant resold such sodium phosphate, he will specify "Resale" in Column 10 and in Column 9 will specify the quantity resold in such quarter.

(vii) In Table II, applicant will fill in Columns 11 and 15. The remaining columns of Table II and all of Tables III and IV will be left blank.

(3) War Production Board may issue other and further instructions with respect to preparing and filing Forms WPB–2945 and 2947 (formerly PD–600 and 602), subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Approval of reporting requirements.* Forms WPB–2945 and 2947 and the instructions in this order for filing these forms have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE: Subparagraph (4), formerly (3), redesignated Feb. 7, 1944.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C. Ref: M–334.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1834; Filed, February 7, 1944; 11:14 a. m.]

PART 3294—IRON AND STEEL PRODUCTION[1]

[General Preference Order M–21, as Amended Feb. 7, 1944]

§ 3294.71[1] *General Preference Order M–21*—(a) *Purpose and scope.* This is the basic order covering the distribution of steel and iron products. Other rules for distribution, as well as for production and use, are contained in other War Production Board orders and regulations, which must also be complied with, except to the extent that their provisions are inconsistent with this order. With respect to steel, attention is called particularly to the various CMP regulations and to other orders in the M–21 series.

(b) *Definitions.* For the purposes of this order:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule 1. The term includes all types of second quality material and shearings (including material in the listed forms and shapes which is salvaged or recovered therefrom), except when sold as scrap within the maximum prices for scrap established by the Office of Price Administration.

(2) "Iron products" means cast iron pipe (except cast iron soil pipe and cast iron soil pipe fittings) and all other iron castings, gray and malleable (rough as cast), including all items of ferrous foundry manufacture not classified as steel.

(3) "Producer" means any person who produces steel or iron products.

(c) *Deliveries of iron products and steel forgings.* Iron products and carbon or alloy steel forgings may not be delivered except:

(1) On orders bearing a preference rating of A–10 or higher, or

[1] Formerly Part 962, § 962.1.

(2) As permitted under Priorities Regulation No. 13, or

(3) As specifically authorized or directed in writing by the War Production Board.

(d) *Deliveries of other steel products.* Other steel may not be delivered except:

(1) On authorized controlled material orders, or

(2) As permitted under Priorities Regulation No. 13, or

(3) By distributors as permitted under CMP Regulation No. 4, or

(4) To distributors as permitted under Order M–21–b–1 or M–21–b–2, or

(5) As specifically authorized or directed in writing by the War Production Board.

(e) *Identification of purchase orders—*(1) *Iron products and steel forgings.* Iron products and carbon and alloy steel forgings are obtained on preference rated orders, and purchase orders for these products must be accompanied by a certification of the applicable rating as required by War Production Board regulations. In addition, such purchase orders should be identified in terms of the program for which the products will be used. Therefore, a person purchasing any of these products from a producer must furnish with his purchase order the CMP allotment number or symbol which has been assigned to him for acquiring controlled materials needed for the same program. If the purchaser has no such allotment number or symbol, his purchase order should carry a statement in substantially the following form:

No CMP allotment number or symbol applicable.

No producer shall accept an order for, or make delivery of, iron products or carbon or alloy steel forgings unless a CMP allotment number or symbol, or the above statement, accompanies the purchase order.

(2) *Other steel.* Each purchaser of steel other than forgings shall furnish with his purchase order such information as may be required by applicable War Production Board regulations or orders.

(f) *Special directions.* The War Production Board may from time to time issue special directions to any person or persons as to the type, description, amount, source, or destination of steel or iron products to be produced, delivered, or acquired by such person or persons.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to Steel Division, War Production Board, Washington 25, D. C., Ref: M–21.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE 1

Bars, cold finished.
Bars, hot rolled.
Ingots, billets, blooms, slabs, die blocks, tube rounds, skelp and sheet and tin bar.
Pipe, including threaded couplings of the types normally supplied on threaded pipe by pipe mills.
Plates.
Rails and track accessories, including rail joints, track spikes, frogs and switches, gage rods, guard rails, guard rail clamps, nut locks, rail anchors, switch stands, mine ties, tie plates, track bolts and rail braces.
Sheets and strip.
Steel castings.
Steel forgings.
Structural shapes and piling.
Tin plate, terne plate and tin mill blackplate.
Tubing.
Wheels, tires and axles.
Wire rods.
Wire and wire products, including drawn wire, barbed and twisted wire, woven and welded wire fence (except chain link fence), wire nails (including lead-headed nails), wire staples (for fence and poultry netting only), wire bale ties, wire rope and strand, welded steel wire reinforcing mesh, wire netting.

INTERPRETATION 1

The terms "Steel" and "Iron products" as defined in General Preference Order M–21, as amended, do not include material which has been in use or service, nor material salvaged or recovered therefrom. The terms do include all types of second quality material, shearings, etc., whether generated in a producer's plant, or in the plant of a manufacturer or fabricator, (as well as material in the listed forms and shapes which is salvaged therefrom), except that such material when sold as scrap within OPA ceilings is not considered "Steel" or "Iron products".

For example, the restrictions of Order M–21 apply to side and end shearings, wire shorts and similar products generated at a steel mill. They also apply to the plate croppings generated at a shipyard or in the course of any other fabricating operation. Such material may be sold as scrap at scrap prices free of the restrictions of the order, but if such scrap material is salvaged by sorting or by some processing operation, it cannot be disposed of in any of the listed forms or shapes except in compliance with the order.

On the other hand, the restrictions of the order do not apply to used material such as line pipe which has been in use by an oil company for a period of time and is then picked up and reclaimed, or structural steel which is salvaged from a demolished building. (Issued June 9, 1943.)

[F. R. Doc. 44–1835; Filed, February 7, 1944; 11:14 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1 as Amended Feb. 2, 1944, Amdt. 1]

Schedule III is amended by adding the following items:

COPPER

Brass mill copper and copper base alloy products:	
Copper and non-refractory alloys	45
Refractory alloys	60
Wire and cable products:	
Bare wire and cable	35
Weatherproof wire and cable	35
Magnet wire	35
Rubber insulated building wire	35
Paper and lead cable	40
Varnished cambric cable	35
Asbestos cable (type H–F)	60
Rubber insulated wire and cable (mold or lead cured)	45
Foundry copper and copper base alloy products:	
Castings (rough castings, not machined—assuming patterns are available):	
Small simple castings to fit 12" by 16" flask	7
Large intricate and centrifugal castings	14

ALUMINUM

All forms and shapes	45

Where no time is specified in Schedule III for placing orders for a particular form or shape of controlled material, the time for placing such orders shall be subject to agreement between the consumer and the controlled materials producer: *Provided*, That no producer shall discriminate between consumers in the acceptance of orders. In the event of any disagreement, the matter should be referred to the appropriate Controlled Materials Division.

Issued this 5th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1787; Filed, February 5, 1944; 4:48 p. m.]

PART 3270—CONTAINERS

[Limitation Order L–317 as Amended Dec. 28, 1943, Amdt. 1]

FIBRE SHIPPING CONTAINERS; MANUFACTURE AND USE

Section 3270.6 *Limitation Order L–317* as amended December 28, 1943 is hereby amended by deleting Item #7, "Harnesses" under "k. Miscellaneous" of Schedule B.

Issued this 7th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–1849; Filed, February 7, 1944; 11:51 a. m.]

Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[MPR 509]

PACKED CITRUS PRODUCTS OF THE 1944 AND LATER PACKS

In the judgment of the Price Administrator, the provisions of this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.* Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practical alternative exists for securing effective price control with respect to the commodities subject to this regulation.

§ 1341.609 *Maximum prices for sales of packed citrus products of the 1944 and later packs by processors and distributors other than wholesalers and retailers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 509 (Packed Citrus Products of the 1944 and Later Packs), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1341.609 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO 509—PACKED CITRUS PRODUCTS OF THE 1944 AND LATER PACKS

ARTICLE I—EXPLANATION OF THE REGULATION AND GENERAL DEFINITIONS

Sec.
1.1 Explanation of the regulation.
1.2 General definitions.

ARTICLE II—PROCESSORS' MAXIMUM PRICES

2.1 Grapefruit juice.
2.2 Grapefruit segments.
2.3 Orange juice.
2.4 Orange-grapefruit juice blended (50% orange—50% grapefruit).

ARTICLE III—GENERAL PROVISION RELATING TO PROCESSORS' SALES

3.1 Calculation of dollars-and-cents maximum prices for processors who perform the wholesale or retail function.
3.2 When the processor must figure a delivered price.
3.3 Uniform delivered prices where the processor has customarily been selling on an f. o. b. factory basis
3.4 Special packing expenses which may be reflected in maximum prices in sales to government procurement agencies.
3.5 Label and labor allowances.
3.6 Maximum prices for products in new container types or sizes.
3.7 Individual authorization of maximum prices.
3.8 Restrictions on sales to primary distributors.

*Copies may be obtained from the Office of Price Administration.

ARTICLE IV—PROVISIONS APPLICABLE TO PRIMARY DISTRIBUTORS AND OTHER INTERMEDIATE SELLERS

Sec.
4.1 Maximum prices in sales by primary distributors.
4.2 Maximum prices in sales by distributors who are not primary distributors, wholesalers, or retailers.

ARTICLE V—MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

5.1 Grades and invoices.
5.2 Weights.
5.3 Treatment of federal and state taxes.
5.4 Units of sale and fractions of a cent.
5.5 Maintenance of customary discounts and allowances.
5.6 Export and import sales.
5.7 Payment of brokers.
5.8 Notification of new maximum price.
5.9 Records which must be kept.
5.10 Sales slips and receipts.
5.11 Transfer of business or stock in trade.
5.12 How a maximum price is established and how an established maximum price can be changed.
5.13 Adjustable pricing.
5.14 Compliance with this regulation.
5.15 Adjustment of maximum prices of food products under "Government contracts" or subcontracts.
5.16 Application for adjustment by sellers who have been found to have violated the Robinson-Patman Act.
5.17 Petitions for amendment.

ARTICLE I—EXPLANATION OF THE REGULATION AND GENERAL DEFINITIONS

SECTION 1.1 *Explanation of the regulation.* (a) The purpose of this regulation is to establish maximum prices for citrus products processed and packed on and after October 1, 1943, in sales by persons other than wholesalers and retailers. The packed citrus products covered by this regulation and processors' maximum prices for sales of each product are set forth in Article II.

(b) This regulation supersedes Maximum Price Regulation No. 306[1] with respect to sales and deliveries of packed grapefruit juice processed and packed on and after October 1, 1943.

(c) Maximum prices for sales by wholesalers and retailers are governed by Maximum Price Regulation Nos. 421,[2] 422[3] and 423.[4] "Wholesaler" and "retailer" means the persons respectively referred to as "wholesalers" and "retailers" in those regulations.

(d) This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

(e) Prices established by this regulation are in effect from February 4, 1944.

SEC. 1.2 *General definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions, and their agencies.

(2) "Processor" means a person who processes any part of what he sells of the kind and brand of packed citrus product being priced.

(3) "Item" means the particular kind, variety, grade, brand, style of pack, container type and size of packed citrus product being priced.

(4) "Container type" refers to the composition or style of the container used (a separate price must be figured for each container type).

Examples. Tin, glass and paper containers are all different container types. Likewise, a glass container of one design is a different container type from a glass container of a substantially different design.

(5) "Packed citrus products of the 1944 and later packs," means the commodities specified herein, processed and packed on and after October 1, 1943, in any container, whether or not hermetically sealed. It does not include frozen or dehydrated citrus products.

(6) "Sale" includes sales, dispositions, exchanges, leases and other transfers and transactions, and offers to do any of those things. The terms "sell," "seller," "buy," "buyer," "purchase" and "purchaser" shall be construed accordingly.

(7) "Price" means the consideration requested or received in connection with the sale of a commodity.

(8) "Net delivered cost" means the amount the purchaser pays for the item (in a purchase which is customary, for him, in quantity, type of supplier, receiving point and means of transportation), less all discounts allowed him, except the discount for prompt payment. However, the expense of local trucking or unloading is not included.

(9) "Delivered to the customary receiving point" means delivered to the place where the particular buyer has customarily received the goods. In cases where the seller is dealing with the buyer for the first time after the effective date of this regulation, "delivered to the customary receiving point" means delivered to the buyer's place of business.

(10) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, apply to other terms used in this regulation.

ARTICLE II—PROCESSORS' MAXIMUM PRICES

SEC. 2.1 *Packed grapefruit juice—(a) General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed grapefruit juice shall be as follows:

[1] 8 F.R. 16696, 17224, 17295, 17482; 9 F.R. 794, 287, 96.
[2] 8 F.R. 9388, 10569, 10987, 13293, 15250, 17367, 15607, 17368.
[3] 8 F.R. 9395, 10569, 10987, 12443, 12610, 13294, 15251, 17369, 14853, 15586, 15607, 17370; 9 F.R. 95.
[4] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 15252, 17371, 14854, 16031, 15587, 15608, 17371; 9 F.R. 95.

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item	State or area	Style of pack	Grade	Container No. 2 can		Container No. 3 cyl. can		Container No. 10 can	
				Gov't sales	Other sales	Gov't sales	Other sales	Gov't sales	Other sales
1	Florida and Texas	Natural (unsweetened)	A or fancy	$1.360	$1.125	$3.17	$2.55	$6.37	$5.00
			C or standard	1.310	1.075	3.07	2.45	6.17	4.80
			Offgrade or substandard	1.260	1.025	2.97	2.35	5.97	4.60
2	California and Arizona	Sweetened	A or fancy	1.385	1.150	3.22	2.60	6.52	5.15
			C or standard	1.335	1.100	3.12	2.50	6.32	4.95
			Offgrade or substandard	1.285	1.050	3.02	2.40	6.12	4.75
		Natural (unsweetened)	A or fancy	1.460	1.225	3.42	2.80	6.96	5.60
			C or standard	1.410	1.175	3.32	2.70	6.76	5.40
			Offgrade or substandard	1.360	1.125	3.22	2.60	6.56	5.20
		Sweetened	A or fancy	1.485	1.250	3.47	2.85	7.11	5.75
			C or standard	1.435	1.200	3.37	2.75	6.91	5.55
			Offgrade or substandard	1.385	1.150	3.27	2.65	6.71	5.35

NOTE: The prices in this table for government sales must be adjusted in accordance with the provisions of paragraph (c), below.

(b) *Other pricing methods.* (1) If a processor packs grapefruit juice made from grapefruit grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the grapefruit used by him was grown.

(2) The maximum prices for grapefruit juice packed in glass containers, for sales to persons other than Government procurement agencies, shall be as follows:

(i) For 8-ounce glass jars, Grade A or Fancy, 42½¢, for Grade C or Standard, 40¢, and for Off Grade or Sub-Standard, 37½¢, less than the maximum price for the same grade and style of pack in No. 2 cans, in the same area.

(ii) For 16-ounce glass jars, 7½¢ more than the maximum price for the same grade and style of pack in No. 2 cans, in the same area.

(iii) For 46-ounce glass jars, 17½¢ more than the maximum price for the same grade and style of pack in No. 3 cylinder cans, in the same area.

(3) If the processor cannot determine his maximum price for an item of packed grapefruit juice in a particular container size or type in accordance with the provisions of paragraph (a), (b), and (c) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(4) A processor who manufactures in one factory grapefruit juice from grapefruit grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Special provisions relating to government sales.* (1) Processors' maximum prices for sales to Government procurement agencies shall be the maximum prices named in paragraph (a) for such sales, less the amount of the applicable monthly area grapefruit juice cost reduction for the month in which such grapefruit juice was packed: *Provided,* That the monthly area grapefruit juice cost reduction for the month of January 1944 shall be applicable to sales of grapefruit juice packed during the period from October 1, 1943, through January 31, 1944.

(2) The monthly area grapefruit juice cost reduction shall be established by order of the Office of Price Administration as soon as may be practicable after the period to which it applies. That amount is the difference between the cost for raw grapefruit reflected in the maximum prices for government sales set forth in paragraph (a), above, and the monthly area grapefruit cost determined by the Office of Price Administration, converted for the actual reduction in cost per dozen containers of the particular size and type packed during the month to which such monthly area grapefruit juice cost reduction is applicable.

(3) In the event that any monthly area grapefruit cost, determined by the Office of Price Administration as set forth above, shall be equal to or greater than the cost for raw grapefruit reflected in the maximum prices for government sales set forth in paragraph (a), above, the Office of Price Administration shall provide by order that no reduction shall be applicable to the maximum prices for grapefruit juice packed during the month to which such monthly area grapefruit cost is applicable.

NOTE: The provisions of this paragraph (c) shall not be construed as affecting the power of the Office of Price Administration to alter the maximum prices established by this regulation at any time, by amendment or otherwise.

(d) *Records required.* In addition to other records required to be maintained under other provisions of this regulation, each processor shall maintain, for as long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete records of all grapefruit purchases in value and quantity during the period from October 1, 1943, through September 30, 1944; and such records shall be available for inspection by the Office of Price Administration or its authorized agents or representatives at any reasonable time.

SEC. 2.2 *Packed grapefruit segments*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed grapefruit segments shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Item No.	State or area	Style of pack	Grade	Container No. 2 can
				Gov't. sales
1	Florida and Texas	Sweetened	A or Fancy	$1.61
			B or Choice	1.56
			C Standard or Broken	1.51

(b) *Other pricing methods.* (1) If a processor packs grapefruit segments made from grapefruit grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the grapefruit used by him was grown.

(2) If the processor cannot determine his maximum price for an item of packed grapefruit segments in a particular container size or type in accordance with the provisions of paragraphs (a) and (b) (1) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(3) A processor who manufactures in one factory grapefruit segments from grapefruit grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Records required.* Each processor of grapefruit segments shall maintain the records of grapefruit purchases as provided in section 2.1 (d).

SEC. 2.3. *Packed orange juice*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed orange juice shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item	State or area	Style of pack	Grade	Container No. 2 can		Container No. 3 cyl. can		Container No. 10 can	
				Gov't sales	Other sales	Gov't sales	Other sales	Gov't sales	Other sales
1	Florida and Texas.	Natural (Unsweetened).	A or fancy	$1.650	$1.700	$4.00	$4.10	$8.16	$8.31
			C or standard	1.600	1.650	3.90	4.00	7.96	8.11
			Offgrade or substandard	1.550	1.600	3.80	3.90	7.76	7.91
		Sweetened	A or fancy	1.675	1.725	4.05	4.15	8.31	8.46
			C or standard	1.625	1.675	3.95	4.05	8.11	8.26
			Offgrade or substandard	1.575	1.625	3.85	3.95	7.91	8.06

(b) *Other pricing methods.* (1) If a processor packs orange juice made from oranges grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the oranges used by him were grown.

(2) If the processor cannot determine his maximum price for an item of packed orange juice in a particular container size or type in accordance with the provisions of paragraphs (a) and (b) (1) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(3) A processor who manufactures in one factory orange juice from oranges grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Records required.* In addition to other records required to be maintained under other provisions of this regulation, each processor shall maintain for as long as the Emergency Price Control Act of 1943, as amended, shall remain in effect, complete records of all orange purchases in value and quantity during the period from October 1, 1943, through September 30, 1944; and such records shall be available for inspection by the Office of Price Administration or its authorized agents or representatives at any reasonable time.

SEC. 2.4 *Packed orange-grapefruit juice blended (50% orange—50% grapefruit)*—(a) *General pricing provisions.* The processor's maximum prices per dozen containers, f. o. b. factory, for packed orange-grapefruit juice blended shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item	State or area	Style of pack	Grade	Container No. 2 can		Container No. 3 cyl can		Container No. 10 can	
				Gov't sales	Other sales	Gov't sales	Other sales	Gov't sales	Other sales
1	Florida and Texas.	Natural (Unsweetened).	A or fancy	$1.505	$1.555	$3.585	$3.685	$7.265	$7.415
			C or standard	1.455	1.505	3.485	3.585	7.065	7.215
			Offgrade or substandard	1.405	1.455	3.385	3.485	6.865	7.015
		Sweetened	A or fancy	1.530	1.580	3.685	3.735	7.415	7.565
			C or standard	1.480	1.530	3.535	3.635	7.215	7.365
			Offgrade or substandard	1.430	1.480	3.435	3.535	7.015	7.165

(b) *Other pricing methods.* (1) If a processor packs orange-grapefruit juice blended made from fruit grown in any area mentioned in paragraph (a), whether or not his factory is located in the same area or any of such areas, his maximum prices shall be the maximum prices shown in paragraph (a) for the area in which the fruit used by him was grown.

(2) If the processor cannot determine his maximum price for an item of packed orange-grapefruit juice blended in a particular container size or type in accordance with the provisions of paragraphs (a) and (b) (1) of this section, he shall determine his maximum price for such item in accordance with the provisions of section 3.6; and if he cannot determine a maximum price for such item under section 3.6, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price in accordance with the provisions of section 3.7.

(3) A processor who manufactures in one factory orange-grapefruit juice blended from fruit grown in more than one specified area shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices in accordance with the provisions of section 3.7.

(c) *Records required.* Each processor of orange-grapefruit juice blended shall maintain the records of grapefruit and orange purchases as provided in sections 2.1 (d) and 2.3 (c).

ARTICLE III—GENERAL PROVISIONS RELATING TO PROCESSORS' SALES

SEC. 3.1 *Calculation of dollars-and-cents maximum prices for processors who perform the wholesale or retail function*—(a) *Sales by processors from branch warehouses.* Any processor who sells the item being priced from a branch warehouse owned or controlled by him, to retail stores or to commercial, industrial or institutional users, shall figure his maximum prices for these sales, f. o. b. branch warehouse, as follows:

(1) If he handled the kind of packed citrus product being priced in this way prior to April 28, 1942, the processor shall add to his dollars-and-cents maximum price, f. o. b. factory, the freight, if any, incurred from factory to branch warehouse, and multiply the resulting figure by the markup named in Maximum Price Regulation No. 421 for cash-and-carry wholesalers or for service wholesalers, depending on whether delivery is made in the particular sale to the buyer's place of business. These markups may be used only when the particular goods sold have been warehoused at the branch warehouse and are being sold in less-than-carload lots. (Processors who have more than one factory or branch warehouse may, if they wish, figure freight on a weighted average basis from factory to branch warehouse, in the manner provided in section 3.3.)

(2) If he did not handle the kind of packed citrus product being priced in this way prior to April 28, 1942, the processor shall add to his dollar-and-cents maximum price, f. o. b. factory, the freight, if any, incurred from factory to branch warehouse. (Processors who have more than one factory or branch warehouse may if they wish, figure freight on a weighted average basis from factory to branch warehouse, in the manner provided in section 3.3.)

"Branch warehouse" means a plant or warehouse (1) which is maintained physically separate and apart from the processor's factory for the principal purpose of selling (in contrast to storing) food products manufactured by him to independent retail stores or commercial, industrial or institutional users, (2) from which the larger part of his sales of the kind of product being priced are made to those classes of purchasers, and (3) which maintains a sales organization separate from the factory sales organization.

(b) *Maximum prices for sales by processors to ultimate consumers.* Processors who sell the items they manufacture to ultimate consumers other than institutional users are normally persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422 and 423, which also provide special pricing methods for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 422). Manufacturing retailers, therefore, shall figure their maximum prices under those regulations.

"Ultimate consumer", means a person who buys the kind and brand of product being priced for direct consumption. However, the term does not include a commercial or industrial user, such as a baker, confectioner, restaurateur, or other food manufacturer.

SEC. 3.2 *When the processor must figure a delivered price.* Any processor who

regularly sold a purchaser the item being priced on a delivered basis during the calendar year 1941 shall figure a maximum delivered price by increasing the maximum price for the item, f. o. b. factory, by the amount of the transportation charge, per unit of that item, which he added to his f. o. b. factory price from the beginning of the 1941 pack to March 17, 1942. The resulting price is the processor's maximum delivered price to that purchaser. The processor, of course, is free to sell his goods on an f. o. b. basis. However, in that event, the f. o. b. price charged plus the actual transportation charges incurred by the buyer shall not exceed the processor's maximum price figured on a delivered basis.

SEC. 3.3 *Uniform delivered prices where the processor has customarily been selling on an f. o. b. factory basis.* A processor whose maximum price for an item is on an f. o. b. factory basis may, if he wishes, establish a uniform maximum delivered price for the item, by zone or area, by adding to his f. o. b. factory price his weighted average transportation charge from factory to purchasers' receiving points. For any zone or area, the "weighted average transportation charge" shall be figured by him as follows: He shall (1) determine the total estimated transportation charges which would have been incurred if the shipments of the item which he made during the one-year period immediately preceding the date of calculation, to purchasers in that zone or area, had been at rates in effect on that date, and (2) divide that figure by the total number of pounds or other units of the item included in those shipments. (Where more than one means of transportation is used, averages may be taken separately for each). The processor shall refigure his weighted average transportation charge at the end of each three-month period on the basis of shipments made during the one-year period immediately preceding the date of calculation and at rates in effect on that date.

SEC. 3.4 *Special packing expenses which may be reflected in maximum prices in sales to Government procurement agencies.*

NOTE: This section is derived from, and for the purposes of this regulation supersedes, Supplementary Order No. 34,[5] issued by the Office of Price Administration.

(a) *Conditions under which special packing expenses may be reflected in maximum prices.* Special packing expenses are a basis for increasing maximum prices in sales to government procurement agencies only if all of the following conditions are satisfied:

(1) The buyer must specifically require that the commodity be packed or unpacked and repacked, to the buyer's specifications.

(2) The processor must show separately in his contract of sale, or on the invoice furnished to the buyer, the net charge being made for the packing (and any unpacking and repacking) specified by the buyer.

(3) In addition to the records required by section 5.9 of this regulation, the processor must prepare and keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records showing the total additional cost required by the special packing (and any unpacking and repacking) specified by the buyer, and the value of materials salvaged in the process.

(b) *Maximum prices in sales which meet the conditions of paragraph (a).* In sales to a government procurement agency which meets the conditions of paragraph (a), the maximum prices of the processor and of any subcontractor under the processor's contract of sale with the United States shall be the maximum prices otherwise applicable, increased by the following amounts:

(1) If the packing specified by the buyer differs from standard packing, the difference between the total cost of packing to the specifications of the buyer and the total cost of standard packing, or

(2) If the commodity has already been packed in standard packing and if repacking to the specifications of the buyer is required, the total cost incurred in unpacking and repacking, less the reasonable value of salvaged materials, or

(3) If the commodity has initially been packed to the specifications of the buyer in accordance with subparagraph (1) and if repacking to new specifications of the buyer is required, the amount permitted by subparagraph (1) plus the total cost of unpacking and repacking, less the reasonable value of salvaged materials.

(c) *Meaning of "total cost".* "Total cost" means the direct material costs, direct labor costs, factory overhead and other expenses actually incurred in performing the operations described above. However, where these operations are performed for the processor or subcontractor by an independent contractor (not affiliated with the processor) who does not process or sell the commodity but only packs it or prepares it for packing, the amount actually paid to the independent contractor shall be considered to be the "total cost" of such operations.

(d) *Meaning of "packing" and "standard packing".* "Packing" means the providing of wrappings, inner containers, or outer containers; the placing of commodities in such wrappings, inner containers, or outer containers; and the application of any special coverings or coatings to insure shipment without damage.

"Standard packing" means that packing the cost of which was included in figuring the maximum price established by this regulation, or any other type of packing expressly referred to and expressly priced in this regulation.

SEC. 3.5 *Label and labor allowances.* (a) Label allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this regulation, unlabeled in containers no greater in content than a No. 10 can, the processor shall reduce the maximum price established under this regulation by at least the sum of $1.50 per thousand, for the number of labels used.

(2) When any item covered by this regulation is sold unlabeled in containers not greater in content than a No. 10 can, the processor shall make a labor allowance by reducing the maximum price by at least the sum of one cent per case of such containers, in addition to the allowance provided in subdivision (1) above.

(3) When the processor sells any item covered by this regulation in containers no greater in content than a No. 10 can, labeled with labels supplied to him by the purchaser, the processor shall reduce the maximum price established under this regulation by at least the sum of $1.50 per thousand for the number of labels used.

SEC. 3.6 *Maximum prices for products in new container types or sizes.* The maximum price per unit for any item which is packed in a container type or size which the processor did not sell prior to the effective date of this regulation shall be figured as follows. He shall:

(a) *Determine the base container.* If the processor sold the same product (that is, the same kind, variety, grade, brand and style of pack) prior to the effective date of this regulation, but only in other container types or sizes, he shall first determine the most similar container type for which he is able to figure a maximum price for that product under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the base container. If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will of course be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(b) *Find the base price.* The processor shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to a purchaser or to any point other than the processor's factory the processor shall first convert it to a base price f. o. b. factory by deducting whatever transportation charges were included in it.

(c) *Deduct the container cost.* Taking his base price f. o. b. factory, the processor shall then subtract the direct

[5] 8 F.R. 12404, 14073.

cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(d) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of units in the base container and multiplying the result by the number of the same units in the new container.

(e) *Add the new container cost to get the price f. o. b. factory.* Next, the processor shall add to the adjusted figure the "direct cost" of the container in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the processor's maximum price f. o. b. factory.

(f) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the processor's maximum price for the product in the base container is a delivered price, he shall figure transportation charges to be added as follows:

The processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the processor shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The processor shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the processor's maximum delivered price.

SEC. 3.7 *Individual authorization of maximum prices.* If the processor's maximum price for an item cannot be determined under the other provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth:

(a) A description in detail of the item for which a maximum price is sought, including its grade and brand name (if any) to be used, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price;

(b) An itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g., direct costs, such as raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food product which contributes substantially to his total volume of business;

(c) The desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price with discounts and allowances, for the second product included in paragraph (b) of this section; and

(d) The method of distribution to be employed by the processor in marketing the item (i. e. whether it is to be sold to wholesalers, retailers, consumers or other classes of purchasers).

Upon receipt of the application, the Office of Price Administration will authorize the maximum price, or a method of determining the maximum price, for the applicant or for the sellers of the item generally, including purchasers for resale or for a class of such resellers. Separate maximum prices will be authorized for sales to government procurement agencies.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice or receive payment for it.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C., within six months but not earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statement.

SEC. 3.8 *Restrictions on sales to primary distributors.* For sales of any packed citrus product, made during the one-year period commencing October 1, 1943, no processor may sell to primary distributors a greater percentage than he sold to primary distributors during the one year period ending April 28, 1942.

ARTICLE IV—PROVISIONS APPLICABLE TO PRIMARY DISTRIBUTORS AND OTHER INTERMEDIATE SELLERS

SEC. 4.1 *Maximum prices in sales by primary distributors.* "Primary distributor" means a distributor, other than a wholesaler or retailer, who purchases all he sells (for his own account) of the kind and brand of packed citrus product being priced and who customarily receives shipment from the processor of at least 50% of his purchases in carload lots delivered for storage into a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less-than-carload lots.

There are two pricing methods for primary distributors.

Pricing method No. 1. A primary distributor may use the following pricing method only if he sold the kind and variety of packed citrus product being priced (as a primary distributor) before April 28, 1942, and he may use this pricing method only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused (in normal situations the pricing method will give him the same dollars-and-cents margin that he previously had).

If the processor's maximum price for the item under this regulation is greater than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall add the difference to the maximum price which he had immediately prior to the effective date of this regulation. If the processor's maximum price for it under this regulation is less than the processor's maximum price under the maximum price regulation previously applicable, the primary distributor shall subtract the difference from the maximum price which he had immediately prior to the effective date of this regulation. However, in no event may the primary distributor's maximum price be greater than his net delivered cost (based upon purchases directly from the processor) plus a mark-up of 8% of that cost. The resulting figure in each case is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload lots.

Examples. The processor's ceiling price for grapefruit juice under Maximum Price Regulation 306 and under this regulation are the same, therefore, the primary distributor's maximum price remains the same under this regulation as it was under Maximum Price Regulation 306.

The processor's ceiling price under Maximum Price Regulation 280 for fancy orange juice packed in No. 2 size cans was $1.40 per dozen. Under this regulation it is now $1.70 per dozen. The primary distributor therefore adds the increase of 30 cents to his own ceiling price under Maximum Price Regulation 280, provided that the maximum price so determined does not exceed his net delivered cost plus a mark-up of 8% of that cost.

The primary distributor handled packed grapefruit juice as a primary distributor before April 28, 1942. He added packed orange juice to his line in October, 1942. Although he may use Pricing Method No. 1 for packed grapefruit juice, he must use Pricing Method No. 2 for packed orange juice.

If the primary distributor handled the kind and variety of packed citrus product being priced before April 28, 1942, but did not handle the particular grade, brand, style of pack, container size or type being priced before the effective date of this regulation, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after that date direct from the processor) multiplied by a mark-up factor. This mark-up factor shall be figured by dividing his maximum price (as figured under this section) for the most closely comparable item of that

kind and variety of packed citrus product already handled by him by the net delivered cost to him of that item. He may apply this mark-up factor only when he is selling in less-than-carload lots merchandise which he has actually warehoused.

Pricing method No. 2. For all items, and for sales of such items, which are not covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

SEC. 4.2 *Maximum prices in sales by distributors who are not primary distributors, wholesalers, or retailers.* "Distributor" means a person who purchases all he sells (for his own account) of the kind and brand, if any, of packed citrus product being priced and resells it without processing any part of it.

The maximum price, f. o. b. shipping point, of a distributor who is not a primary distributor, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

ARTICLE V—MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

SEC. 5.1 *Grades and invoices.* (a) The provisions of this section apply to all sellers whether or not processors, who affix labels and cause labels to be affixed to the packed citrus products covered by this regulation, packed by them or purchased for resale. However, the provisions of this section shall not apply to any products sold to government procurement agencies.

(b) The term "grade" when used in this regulation, means the grade, at the time of shipment by the seller, as established and defined by the United States Department of Agriculture.

(c) On and after February 4, 1944, each seller selling any item covered by this regulation shall furnish the purchaser, at or before the time of delivery, with an invoice describing such item and separately stating the grade thereof.

(d) The grade of the item shall be shown on the invoice by use of the United States Department of Agriculture grade designation by letter or descriptive term. For example, the grade of an item which conforms to the specifications for U. S. "Grade A" may be designated on the invoice "Grade A" or by the descriptive term "Fancy".

(e) In any case in which standards or definitions are established by the United States Department of Agriculture or under authority of the Federal Food, Drug, and Cosmetic Act for sirup or packing medium for any packed fruit covered by this regulation, the statement of grade on the invoice shall show the sirup or packing medium and shall be described by the same description as that used in the applicable standard or definition.

(f) A processor shall not be subject to any criminal penalty, civil enforcement action or suit for treble damages under the Emergency Price Control Act of 1942, as amended, for failure of an item covered by this regulation to conform to the grade designated on the invoice issued with respect thereto if (1) within 90 days prior to shipment of the item by the processor to the purchaser, the Food Distribution Administration (or any successor thereto) has issued to the processor a Certificate of Quality and Condition for Processed Fruits and Vegetables (or any similar certificate) covering a lot or lots which include such item and from which lot or lots samples have been drawn by official graders of the Food Distribution Administration (or any successor thereto) and (2) the grade designated on the invoice conforms to the grade designated on the certificate.

(g) A person who purchases an item covered by this regulation from a processor and who relies in good faith upon the grade designated on the invoice furnished to him by the processor shall not be subject to any criminal penalty or civil enforcement action under the Emergency Price Control Act of 1942, as amended, in connection with such purchase for failure of the item to conform to the grade designated on the invoice. Such person may resell the item at the grade designated on the invoice and shall not be subject to any criminal penalty, civil enforcement action, or suit for treble damages under the Emergency Price Control Act of 1942, as amended, in connection with such resale.

(h) Nothing herein contained shall be deemed or construed to restrict or limit any of the requirements of the Federal Food, Drug, and Cosmetic Act, or any regulation promulgated thereunder.

SEC. 5.2 *Weights.* Where label weights are used, prices figured by weight shall be based on the weights named on the label and not on actual fill.

SEC. 5.3 *Treatment of federal and state taxes.* Any tax incident to the sale, delivery, processing, or use of an item covered by this regulation, imposed by any statute or ordinance, shall be treated as follows in determining the seller's maximum price for the item, and in preparing the records required by this regulation:

(a) *As to a tax in effect during March, 1942.* (1) If the seller paid the tax or if the tax was paid by any prior vendor, irrespective of whether the amount was separately stated and collected from the seller, but during March 1942 the seller did not customarily state and collect, separately from the purchase price, the amount of the tax paid by him (or tax reimbursement collected from him by his supplier), the seller may not collect the amount in addition to the maximum price under this regulation.

(2) In all other cases, if at the time the seller determines his maximum price the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him (or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by his supplier). In this case the seller shall not include the amount in determining his maximum price under this regulation.

(b) *As to a tax or tax increase which becomes effective after March, 1942.* If the statute or ordinance imposing the tax or tax increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him (or an amount equal to the amount of tax paid by any prior seller and separately stated and collected from the seller by his supplier). However, the tax on the transportation of property imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the maximum price of any item, be treated as if it were an increase of 3% in the amount charged by persons engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price. (This exception is derived from, and for the purposes of this regulation supersedes, Supplementary Order No. 31,[6] issued by the Office of Price Administration.)

SEC. 5.4 *Units of sale and fractions of a cent.* (a) Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the seller has customarily quoted prices for the product.

(b) Amounts computed in the process of figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). On sales to government procurement agencies, the maximum price itself shall be carried to four decimal places. If any figured maximum price (other than on sales to government procurement agencies) includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit of a cent (like 1¢, ½¢, etc.) in which he has customarily quoted prices for the product.

SEC. 5.5 *Maintenance of customary discounts and allowances.* For sales to purchasers other than government procurement agencies, no person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers, if the change results in a higher net price to that purchaser or class.

SEC. 5.6 *Export and import sales.* The maximum price at which a person may export any item covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[7] and amendments. Sales of products which have been processed or packed outside of the geographical area to which this regulation applies are not covered by the regulation except in cases where the goods being priced are located within the area at the time of sale.

SEC. 5.7 *Payment of brokers.* In accordance with existing trade custom, every broker shall be considered as the agent of the seller and not the agent of

[6] 7 F.R. 9894; 8 F.R. 1312, 3702, 9521.
[7] 8 F.R. 4132, 5987, 7662, 9998, 15193.

the buyer. In each case, the amount paid by the buyer to the seller plus any amount paid by the buyer to the broker shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker. The term "broker" includes a "finder".

SEC. 5.8 *Notification of new maximum price.* With the first delivery of an item after the effective date of this regulation, or any amendment or order of the Office of Price Administration authorizing or directing a change in maximum price, in any case where the seller's new maximum price is different from the maximum price he previously had for the same item, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, variety, grade, brand, style of pack, and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification after (*insert effective date of this regulation, amendment or order of the Office of Price Administration authorizing or directing change in maximum price*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 and 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(b) Notify each purchaser of the item who is a distributor other than a wholesaler and retailer of the establishment of the new maximum price by written notice attached to, or stated on, the invoice issued in connection with the first transaction with such purchaser after the effective date of this regulation, amendment or order of the Office of Price Administration authorizing or directing the change in maximum price, as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, variety, brand, style of pack, and container type and size*) has been changed from $_____ to $_____ under the provisions of Maximum Price Regulation No. 509. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert effective date of this regulation, amendment or order of the Office of Price Administration authorizing or directing change in maximum price*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 5.8 of Maximum Price Regulation No. 509.

SEC. 5.9 *Records which must be kept.* Every person who makes sales covered by this regulation shall:

(a) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged in those sales; and

(b) Preserve for examination by the Office of Price Administration, for the same period, all his existing records which were the basis of figuring his maximum prices in the manner directed by this regulation, showing the method used in figuring the maximum prices.

SEC. 5.10 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, shall continue to do so. Upon request, any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each item sold, and the price received for it.

SEC. 5.11 *Transfers of business or stock in trade.* If the business, assets or stock in trade of a seller subject to this regulation are sold or otherwise transferred on and after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of food product, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 5.12 *How a maximum price is established and how an established maximum price can be changed.* On and after the effective date of this regulation, a price figured for any item becomes established (that is, fixed) as the seller's maximum price for such type of sale as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for any item may be established only once, and it may not be changed by the seller except (a) with the written permission of the District Office of the Office of Price Administration for the area in which he is located in cases where the seller has figured his maximum price lower than the applicable pricing method allows, and (b) in cases where a change in this regulation changes the seller's applicable pricing method, and (c) in cases where a provision of this regulation or order issued under it directs the seller to refigure his price.

If the seller is disclosing a price lower than the one he figured, he may establish the higher (figured) price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink on his books, before he discloses the lower price. A seller who has not figured a price for an item may deliver the item, but he may not receive payment for it until he has established a maximum price in accordance with the rules of this section.

SEC. 5.13 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon a pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 5.14 *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation no person shall sell or deliver, or buy or receive in the course of trade, any item at a price higher than the maximum price established for the sale by this regulation. However, price lower than the maximum price may be charged and paid.

However, the prohibition of this paragraph does not apply to (1) any war procurement agency of the United States, or its contracting or paying finance officers, or (2) the government (or its agencies) of any country the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States". No such purchaser or person shall be subject to the liabilities otherwise imposed by this section or by the Emergency Price Control Act of 1942. "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation: the Defense Plant Corporation, the Rubber Reserve Corporation, the Metals Reserve Corporation, and the Defense Supplies Corporation, or any of

their agencies. (This exception is derived from, and for the purpose of this regulation supersedes, Supplementary Order No. 7,[8] issued by the Office of Price Administration).

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge, or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling, or packaging, or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension provision, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1,[9] licensing all persons who make sales under price control, are applicable to all sellers subject to the regulation. A seller's license may be suspended for violations of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 5.15 *Adjustment of maximum prices of food products under "Government contracts" or subcontracts.*

NOTE: This section is derived from, and for the purpose of this regulation supersedes, Supplementary Order No. 9[10] issued by the Office of Price Administration.

(a) The Office of Price Administration, either on its own motion or on application for adjustment in accordance with Procedural Regulation No. 6,[11] and amendments, may adjust the maximum price of any seller who has entered into or proposes to enter into a Government contract (or subcontract) for the sale of an item of a food product essential to the war program, whenever it appears that the maximum price impedes or threatens to impede its production, manufacture, or distribution. The applicant's overall profits will be an important consideration in determining the action to be taken.

(b) From 5 days prior to the filing of an application for adjustment until its final disposition, contracts may be entered into or proposed and bids submitted at the price requested in the application, and deliveries may be made under such contracts. However, no amount by which the price exceeds the maximum price may be paid or received until an order granting a higher price has been issued. In each sale, contract to sell, or offer to sell, at a price requested in the application, the seller shall furnish the buyer with a statement showing the following:

(1) The maximum price for the item; and

(2) The filing of an appropriate application with the Office of Price Administration, or the intention to file it within 5 days.

(c) Any government agency may appear as an interested party in connection with the application.

(d) "Food product essential to the war program" means any food product purchased (1) for the ultimate use of the Army, the Navy, the Maritime Commission or the War Shipping Administration of the United States, or the Lend-Lease Section of the Procurement Division of the Treasury Department, or (2) by the government (or its agencies) of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or (3) for use in the production or manufacture of any such food product.

"Government contract" means a contract with the United States, or an agency, or with the government (or its agencies) of any country whose defense the President deems vital to the defense of the United States under the terms of the Act mentioned above.

"Subcontract" means a purchase order or agreement to perform all or part of the work required under or to make or furnish any commodity needed for the performance of, another Government contract or subcontract.

SEC. 5.16 *Applications for adjustment by sellers who have been found to have violated the Robinson-Patman Act.*

NOTE: This section is derived from, and for the purpose of this regulation supersedes, Supplementary Order No. 41,[12] issued by the Office of Price Administration.

(a) The Office of Price Administration may adjust the maximum price established for any seller in any case in which he shows:

(1) That he has been found by the Federal Trade Commission, or any court of competent jurisdiction, to have discriminated in price between different purchasers of commodities in violation of the provisions of the Robinson-Patman Act (49 Stat. 1526) or of any state statute prohibiting price discrimination; and

(2) That the elimination of the discrimination by lowering his price to the purchasers against whom he has been found to have discriminated would cause him substantial hardship; and

(3) That the elimination of the discrimination by increasing his price to the purchasers in whose favor he has been found to have discriminated is prohibited by this regulation.

(b) Applications for adjustment under this provision shall be filed with the Office of Price Administration, Washington, D. C., in accordance with the provisions of Revised Procedural Regulation No. 1,[13] issued by the Office of Price Administration.

SEC. 5.17 *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.

Effective date. This regulation shall become effective February 4, 1944.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 4th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1729; Filed, February 4, 1944; 11:26 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 511]

OATS, BARLEY AND GRAIN SORGHUMS

In the judgment of the Price Administrator it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, that the maximum prices for the sale of oats, barley and grain sorghums, as established by Temporary Maximum Price Regulation No. 33, be continued in effect as provided in this Maximum Price Regulation No. 511.

This regulation is issued pursuant to a directive of the Economic Stabilization Director, under section 5 of Executive Order 9328, authorizing and directing the Price Administrator and the Food Administrator to issue a regulation establishing maximum prices on oats, barley and grain sorghums which are substantially the same in effect as those established by Temporary Maximum Price Regulation No. 33. Since the prices so established will exceed those which would reflect parity, the Economic Stabilization Director has further directed the Price Administrator and the Food Administrator to prepare and issue as rapidly as is reasonably possible either a revision of this regulation or new regulations which will establish maximum prices on oats, barley and grain sorghums that will reflect parity to the producers of these agricultural commodities.

In fixing the maximum prices established by this regulation, adequate weighting has been given to farm labor and, so far as practicable, representative members of the industry which will be affected have been consulted. In the judgment of the Price Administrator the maximum prices herein established are in accordance with and will further the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1439.11 *Maximum prices for oats, barley and grain sorghums.* Under the

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[8] 7 F.R. 5176.
[9] 8 F.R. 13240.
[10] 7 F.R. 5444, 9323, 8 F.R. 4510, 4785, 6175.
[11] 7 F.R. 5087, 5664, 8 F.R. 6173, 6174, 12024.
[12] 8 F.R. 4782.
[13] 8 F.R. 3313, 3533, 6173, 11806.

*Copies may be obtained from the Office of Price Administration.

authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation 511, which is amended hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.11 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 511—OATS, BARLEY AND GRAIN SORGHUMS

CONTENTS

SECTION 1. *Maximum prices.* Regardless of any contract, agreement or other obligation, no person shall sell or deliver oats, barley and grain sorghums, and no person shall in the course of trade or business buy or receive oats, barley and grain sorghums at prices higher than the maximum prices set forth in this Maximum Price Regulation No. 511; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That any contracts for the sale or purchase of oats, barley or grain sorghums made and entered into between December 6, 1943 and February 4, 1944, both dates inclusive, which comply with the provisions of Temporary Maximum Price Regulation No. 33 and any contracts made and entered into on or before December 5, 1943, may be performed according to their terms. Lower prices may be charged, demanded, paid or offered.

SEC. 2. *Applicability.* (a) Except as provided in paragraph (b) of this section and in section 1, this regulation shall apply to all sales, whether for immediate or future delivery, within the 48 States and the District of Columbia of the United States of imported and domestic oats, barley and grain sorghums.

(b) This regulation shall have no application to sales of oats, barley and grain sorghums used as seed for planting.

SEC. 3. *Definitions.* (a) As used herein the following terms shall have the following meanings:

(1) "Bushel" means 32 pounds net weight for oats, 48 pounds net weight for barley and 56 pounds net weight for grain sorghums.

(2) "Person" means an individual, corporation, partnership, association or other organized group of persons or legal successor or representatives, of any of the foregoing and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of any af the foregoing.

(3) "Carload quantity" means a lot of oats, barley or grain sorghums of 60,000 pounds or more: *Provided,* That a lot of grain of 30,000 pounds or more shipped in a mixed car or pool car shall be considered a carload quantity.

(4) "On track" means loaded on a railroad car in a carload quantity.

(5) "Oats" means the grain defined as such in the Official Grain Standards of the United States. References to grades are also to said Official Grain Standards of the United States.

(6) "Barley" means the grain defined as such in the Official Grain Standards of the United States. References to grades are also to said Official Grain Standards of the United States.

(7) "Grain sorghums" means the grains defined as such in the Official Grain Standards of the United States. References to grades are also to said Official Grain Standards of the United States.

(8) "Standard merchantable quality" shall have the meaning normally ascribed to it by the trade.

SEC. 4. *Maximum prices for sales of oats.* (a) The maximum price for sales of oats, in carload quantities, shall be as follows:

Base point:	*Maximum price*
Chicago, Ill	No. 3 White—$0.80½ bushel, bulk
Minneapolis, Minn	No. 3 White— 0.78 bushel, bulk
Kansas City, Mo	No. 3 Red — 0.83½ bushel, bulk
Omaha, Nebr	No. 3 White— 0.79 bushel, bulk
Fort Worth, Tex	No. 3 White— 0.92 bushel, bulk
San Francisco, Calif	No. 2 Red — 3.15 per 100 pounds, sacked
Portland, Oreg	No. 2 White—38 pounds—$52.50 ton, bulk
Seattle, Wash	No. 2 White—38 pounds— 52.50 ton, bulk

(b) The maximum price for sales of other grades, kinds and quantities of oats at any of the above named markets shall be the premium or discount, as the case may be, normal to the trade over or under the foregoing maximum price set forth in paragraph (a).

(c) The maximum price bulk, on track at other points shall be the premium or discount, as the case may be, normal to the trade over or under the foregoing maximum price at said base points.

(d) For sellers, other than a track seller, the foregoing maximum prices shall be increased or decreased, as the case may be, by the premium or discount normal to the trade, for the class of sale, and class of purchaser in question over or under the maximum price on track at or nearest to the point of delivery to the purchaser.

(e) For sales sacked, the foregoing maximum prices may also be increased by the reasonable value (not exceeding the maximum price) of the sacks furnished by the seller and the reasonable value (not exceeding the maximum price) for the sacking furnished by the seller.

SEC. 5. *Maximum prices for sales of barley.* (a) The maximum price for sales of barley in carload quantities shall be as follows:

Base point:	*Maximum price*
Chicago, Ill	No. 3—$1.26 per bushel, bulk
Minneapolis, Minn	No. 2— 1.36 per bushel, bulk
Kansas City, Mo	No. 2— 1.16½ per bushel, bulk
Omaha, Nebr	No. 2— 1.15 per bushel, bulk
Fort Worth, Tex	No. 2— 1.31 per bushel, bulk
Seattle, Wash	No. 2—45 pounds, $49.00, ton, bulk
Portland, Oreg	No. 2—West 45 pounds, $50.00, ton, bulk
San Francisco, Calif	Bright West, 44 pounds $2.70, per 100 pounds, sacked.

(b) The maximum price for sales of other grades, kinds and quantities of barley at any of the above-named markets shall be the premium or discount, as the case may be, normal to the trade, over or under the foregoing maximum price set forth in paragraph (a).

(c) The maximum price, bulk, on track, at other points shall be the premium or discount, as the case may be, normal to the trade over or under the foregoing maximum price at said base points.

(d) For sellers, other than a track seller, the foregoing maximum prices shall be increased or decreased, as the case may be, by the premium or discount normal to the trade for the class of sale, and class of purchaser in question over or under the maximum price on track at or nearest to the point of delivery to the purchaser.

(e) For sales, sacked, the foregoing maximum prices may also be increased by the reasonable value (not exceeding the maximum price) of the sacks furnished by the seller and the reasonable value (not exceeding the maximum price) for the sacking furnished by the seller.

SEC. 6. *Maximum prices for grain sorghums.* The maximum price per 100 pounds net weight for the sale of any variety of grain sorghums shall be as follows:

(a) Bulk, on track, No. 1 and No. 2 grade and otherwise standard merchantable quality at the following base points:

Base point:	*Maximum price per 100 pounds*
Fort Worth, Tex	$2.40
Houston, Tex	2.40
Kansas City, Mo	2.36
Los Angeles, Calif	2.74
San Francisco, Calif	2.74

(b) The maximum price bulk, on track at said above named cities for other

grades, kinds and quantities, shall be the premium or discount normal to the trade under the foregoing maximum prices set forth in paragraph (a) for the basic kind.

(c) The maximum price bulk, on track at other points shall be the premium or discount normal to the trade under the foregoing maximum prices at said base points.

(d) For sellers, other than a track seller, the foregoing maximum prices shall be increased or decreased, as the case may be, by the premium or discount normal to the trade for the class of sale, and class of purchaser in question over or under the maximum price on track at or nearest to the point of delivery to the purchaser.

(e) For sales, sacked, the foregoing maximum prices may also be increased by the reasonable value (not exceeding the maximum price) of the sacks furnished by the seller and the reasonable value (not exceeding the maximum price) for the sacking furnished by the seller.

SEC. 7. *Export sales.* The maximum prices at which a person may export oats, barley and grain sorghums shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.[1]

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 9. *Documents and reports.* (a) Every person subject to this regulation making a sale or purchase of oats, barley and grain sorghums in the course of trade or business on or after the effective date of this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his customary records, including complete and accurate records of such sales and purchases, showing the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point, and the quantity of oats, barley and grain sorghums sold or purchased.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 10. *Evasive practices.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to oats, barley and grain sorghums, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by any other means.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, and proceedings for suspension of license, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 12. *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

This regulation shall become effective February 4, 1944.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 4, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-1749; Filed, February 4, 1944; 4:52 p. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 13]

RETAIL SELLERS OPERATING OR INTENDING TO OPERATE MORE THAN ONE ESTABLISHMENT

Supplementary Order No. 13 is redesignated Revised Supplementary Order No. 13 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended it is hereby ordered:

§ 1305.17 *Determination of maximum prices by sellers at retail operating or intending to operate more than one establishment.* (a) A seller who owns or operates one or more establishments selling commodities at retail and who has or desires to establish the practice of selling designated commodities at uniform prices in all or certain of such establishments may make written application for such authorization to the Regional Office of the Office of Price Administration within which the seller's main office is located, provided the seller can propose a practicable method of determining prices centrally without increasing the general level of prices and can demonstrate the advisability thereof as an aid to price control. The application shall set forth:

(1) The applicant's name and, where any difference exists, the name under which sales are made, and the principal office address;

(2) The number of separate establishments now owned or operated and the number about to be acquired by the applicant, and shall include four copies of the complete addresses of all such establishments arranged by states;

(3) The kinds of commodities dealt in by such establishments;

(4) Whether commodities are or will be purchased centrally and distributed to such establishments by the applicant, or are to be purchased separately by such establishments, and if purchased separately, what commodities are to be so purchased;

(5) A detailed description of how prices have been established for the various establishments both prior and subsequent to March 1942 and of any price differentials known to exist;

(6) If prices have not been substantially uniform in the past, the reason therefor or cause thereof, together with the reason why uniformity is now desired;

(7) A detailed description of the method the applicant desires to use in determining prices and the means proposed to be adopted to insure centralized control over future prices in such establishments;

(8) Whether the applicant produces, manufactures, or fabricates any commodities to be thus sold or is affiliated with any producer, manufacturer or fabricator of any such commodity;

(9) The cumulative average initial net mark-up taken by the applicant in 1941, and in the first and second six months of 1942, or in its fiscal periods most closely corresponding to the above periods, or, where such figures are not readily available, some comparable figures, such as gross profit figures, for such periods;

(10) Whether uniform selling prices are now or are to be determined and marked in a central office;

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[1] 8 F.R. 4132.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[3] 8 F.R. 13240.

*Copies may be obtained from the Office of Price Administration.

(11) The names and addresses of the applicant's most closely competitive sellers of the same class on a national or regional basis, and, if an applicant having less than ten existing establishments wishes to open one or more new establishments, the four closest competitors each such new establishment would have if it were a separate seller; and

(12) Any other facts which the applicant wishes to submit. If such authorization is given, it will be accompanied by instructions as to the method by which the seller shall determine and use uniform maximum prices under the applicable maximum price regulation.

(b) *Authorization to regional offices to grant or deny certain applications filed hereunder.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may by order and accompanying opinion grant or deny applications filed hereunder, when: (1) The applicant's main office and selling units to be included in the authorization are located within its jurisdiction, and (2) The applicant had an established practice of selling commodities therein at substantially uniform prices.

(c) *Definitions.* (1) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or order heretofore or hereafter issued thereunder.

(d) Each seller to whom a uniform pricing order has been issued under § 1499.4a of General Maximum Price Regulation or this supplementary order, either as originally issued or hereby revised, shall prepare a separate list, keeping a copy thereof, by seasons where necessary, for each individual store governed by such order, showing the highest price line in which such store may sell each classification, category, group, class, subclass, or other division, however designated, of a centrally purchased commodity priced under such uniform pricing order and governed by a maximum price regulation containing a highest price line provision. Each store must keep such list and all records pertaining to commodities purchased and priced by the individual store, together with its own base period price statements, but all records of costs, pricings, and computations for commodities centrally purchased shall be kept only in the central or main pricing office.

(e) All orders of authorization heretofore issued under the original Supplementary Order No. 13 shall remain in full force and effect.

This supplementary order shall become effective February 12, 1944.

NOTE: The reporting and record keeping requirements of this supplementary order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1762; Filed, February 5, 1944; 12:12 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11, Amdt. 13]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 is amended in the following respects:

1. In § 1316.4 (d) Table I, under the heading "Fine Combed Plain", reference No. AJ5 is added to read as follows:

AJ5 54" 96 x 96 3.97 (for industrial use)	33.23

2. In § 1316.4 (d) Table I, under the heading "Poplin", reference No. AO14 is added to read as follows:

AO14 37½" 112 x 72 2.46 (Ply Warp)	37.53

3. In § 1316.4 (d) Table I, under the heading "Carrier Apron for Rubber Thread", references Nos. BC6 and BC7 are added to read as follows:

BC6 38" 96 x 98 3.88	36.08
BC7 46" 96 x 98 3.19	43.89

4. In § 1316.4 (d) Table I, under the heading "Printer's Blanket Fabric", reference No. BD11 is added to read as follows:

BD11 62" 46/92 x 60 1.66 (Ply Warp)	76.50

5. In § 1316.4 (d) Table I, is amended by adding the heading "Mechanical Boat Cloth" and reference No. BW1 to read as follows:

Mechanical Boat Cloth

BW1 48" 56 x 56 2.12 (Single Yarn)	67.90

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1763; Filed, February 5, 1944; 12:05 p. m.]

PART 1345—COKE

[MPR 77,[1] Amdt. 4]

BEEHIVE OVEN COKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 is amended to read as follows:

SEC. 8. *Maximum prices for sales of beehive oven coke produced in Fayette County, West Virginia.* The maximum prices, per net ton f. o. b. ovens, for beehive oven coke produced in Fayette County, West Virginia shall be:

Foundry coke	$9.10
Domestic coke	6.50

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1764; Filed, February 5, 1944; 12:10 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53,[1] Amdt. 14]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In section 5.1 (a) the text preceding subparagraph (1) is amended to read as follows:

(a) Crude soybean oil—in tank cars:

F. o. b. mills located in:	*Cents per pound*
California, Oregon and Washington	12.50
Arizona	12.125
Edgewater, New Jersey; Houston, Texas; New Orleans, Louisiana; Savannah, Georgia	12.00
Michigan, New Jersey (except Edgewater), New Mexico, New York, North Carolina, Ohio, Pennsylvania, Virginia	11.875
Alabama, Arkansas, Florida, Georgia (except Savannah), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (except New Orleans), Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina, Tennessee, Texas (except Houston), Wisconsin	11.75

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1765; Filed, February 5, 1944; 12:05 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 469,[2] Amdt. 4]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16787, 17223; 9 F.R. 286, 753.

[1] 8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12559, 12873, 15523.

[2] 8 F.R. 12562, 13741, 13847.

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 469 is amended in the following respects:

1. Schedule I of section 13 is amended by changing the ceiling price stated for Nashville, Tennessee from "$14.60" to "$14.50".

2. Item 13 (a) of Schedule III of section 13 is amended to read as follows:

(a) Jerauld, Aurora, Douglas, Charles Mix, Brown, Marshall, Day, Roberts, Spink, Clark, Codington, Hamlin, Grant, Deuel, Beadle, Kingsbury, Brookings, Sanborn, Miner, Lake, Moody, Davison, Hanson, McCook, Minnehaha, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, Union	$14.15

3. Item 28 of Schedule III of section 13 is amended to read as follows:

28. *Kentucky:*	
(a) Marshall, Calloway, Graves, McCracken, Ballard, Carlisle, Hickman, Fulton	$14.35
(b) Robertson, Mason, Lewis, Greenup, Carter, Boyd, Bourbon, Nicholas, Fleming, Bath, Rowan, Elliott, Lawrence, Clark, Montgomery, Menifee, Morgan, Johnson, Martin, Powell, Wolfe, Magoffin, Madison, Estill, Lee, Breathitt, Floyd, Pike, Rockcastle, Jackson, Owsley, Lurel, Whitley, Clay, Knox, Bell, Perry, Leslie, Harlan, Knott, Letcher	$14.55
(c) All counties except those cited in 28 (a) and 28 (b)	$14.45

4. Item 29 of Schedule III of section 13 is amended to read as follows:

29. *Tennessee:*	
(a) Lake, Obion, Weakley, Henry, Dyer, Gibson, Carroll, Benton, Lauderdale, Crockett, Madison, Henderson, Decatur, Tipton, Haywood, Shelby, Fayette, Hardeman, Chester, McNairy, Hardin	$14.30
(b) All counties except those cited in 29 (a)	$14.45

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: January 26, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1767; Filed, February 5, 1944; 12:10 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amdt. 107]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. In paragraph (c) of Appendix A the item "Rubber tire and tube machinery" is amended to read "Rubber tire and tube machinery and equipment, including tire recapping and retreading molds and accessory parts (full circle and sectional molds, matrices, etc.), tire buffers, tire spreaders and spot vulcanizers for tubes".

2. In paragraph (d) of Appendix A the items "masonry saws" and "scaffolds" are added in alphabetical order.

3. Paragraph (b) of Appendix B is amended to read as follows:

(b) Any part or subassembly of any item listed in this Appendix B. Also, any industrial machinery, or part or subassembly of any industrial machinery, which is not listed in Appendices A or B. "Industrial machinery" means any machinery or equipment used in the extraction, production or processing of commodities. The term "industrial machinery" does not include farm equipment covered by Maximum Price Regulation 246—Manufacturers' and Wholesale Prices for Farm Equipment, or any product excluded from the coverage of this regulation by Appendix C.

4. In paragraph (c) of Appendix B the item "Gears, pinions, sprockets and speed reducers, except automotive or tractor transmissions, transfer cases, power take-offs, differentials or axle assemblies, specially designed for use in vehicles, aircraft or equipment used primarily for military purposes" is amended to read "Gears, pinions, sprockets and speed reducers specially designed for use in vehicles, aircraft or equipment used primarily for military purposes (except automotive or tractor transmissions, transfer cases, power take-offs, differentials and axle assemblies)".

5. In Appendix C the item "Hand Tools, except those specially designed for manufacture, repair and maintenance of aircraft, military vehicles or other predominantly military equipment" is amended to read "Hand tools except those listed in Appendices A and B".

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1768; Filed, February 5, 1944; 12:03 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 10 to Supp. 1]

FUEL OIL RATIONING REGULATIONS

Supplement 1 to Ration Order No. 11 is amended in the following respects:

1. A new subparagraph (6) is added to § 1394.9101 (b) to read as follows:

(6) In Zones A-1, A-3, B-1, B-3, C-1, and C-3, the value of one unit represented by coupons numbered "4" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "4" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "4" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

2. A new subparagraph (7) is added to § 1394.9101 (b) to read as follows:

(7) In Zones A-2, B-2, and C-2 the value of one unit represented by coupons numbered "4" and "5" on Class "4" coupon sheets, and the value of five units represented by coupons numbered "4" and "5" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "4" and "5" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

Amendment No. 10 to Supplement No. 1 shall become effective on February 8, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub Laws 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1777; Filed, February 5, 1944; 12:09 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[RMPR 282]

CERTAIN PRIVATE FORMULA DRUG AND COSMETIC PRODUCTS

Maximum Price Regulation No. 282 is redesignated as Revised Maximum Price Regulation No. 282 and is revised and amended to read as set forth below:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1396.251 *Maximum prices for certain private formula drug and cosmetic products.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 282 (Certain Private Formula Drug and Cosmetic Products), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1396.251 (issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 16132.

REVISED MAXIMUM PRICE REGULATION No. 282—CERTAIN PRIVATE FORMULA DRUG AND COSMETIC PRODUCTS

CONTENTS

SECTION 1. *Definitions.* (a) When used in this regulation the term:

(1) "Private formula product" means a drug or cosmetic product to be sold under the label or brand name of a person other than the manufacturer thereof.

(2) "Drug" means any product for internal or external administration, intended to be used for the diagnosis, cure, mitigation, treatment, or prevention of diseases of man or animals.

(3) "Cosmetic" means any product intended to be rubbed, poured, sprinkled, or sprayed upon, or introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance. Soap is not a cosmetic, but, as used herein, the term "cosmetic" includes shaving soap and liquid shampoo.

(4) "Affiliated." A buyer and seller will be deemed to be "affiliated" if the buyer owns more than 50 per cent of the stock or assets of the seller, if the seller owns more than 50 per cent of the stock or assets of the buyer, or if a third person owns more than 50 per cent of the stock or assets of both buyer and seller.

(5) "Most comparable private formula product" means the private formula product selected by the manufacturer, according to the procedure set forth below, from those private formula products of his manufacture for which maximum prices for his sales have already been established under an applicable regulation issued by the Office of Price Administration, and which comply with the following conditions:

(i) The unit direct costs of each product do not differ from those of the private formula product being priced by more than 50 per cent.

(ii) The maximum price of each product was established on the basis of the production of a number of units of the product in any one batch or single continuous run which does not differ by more than 30 per cent from the number of units he contemplates producing in any one batch or single continuous run of the private formula product being priced.

(iii) The maximum price for each product was established on a sale to a non-affiliated buyer, except that where the product being priced is sold to an affiliated buyer, each product may be one whose maximum price was established on a sale to that buyer.

The following steps in the order of selection are to be applied to the products or product meeting the above requirements in the order listed until only one private formula product is left which is the "most comparable private formula product." If any step eliminates all the private formula products selected by the preceding step in the list, there shall be applied to such private formula products the first succeeding step in the list which will select at least one such private formula product.

(*a*) The manufacturer shall first select from the private formula products of his manufacture specified above those which are made by the same or similar manufacturing processes as the private formula product being priced.

(*b*) Then from these he shall select those having the same general use as the private formula product being priced.

(*c*) Then from these, he shall select those having the same or similar physical form as the private formula product being priced.

(*d*) Then from these he shall select the one whose maximum price was determined on the basis of the production in any one batch or single continuous run of a number of units most similar to the number of units he contemplates producing in any one batch or single continuous run of the private formula product being priced.

(*e*) In case step (*d*) selects more than one private formula product, he shall select from these, the one whose unit direct cost is most similar to that of the private formula product being priced.

(6) "Unit direct cost" means the sum of the costs per manufacturer's sales unit of the private formula product of direct labor and materials, computed on the basis of the following wage rates, material prices, and operating conditions:

(i) *Wage rates.* The wage rates shall be no higher than those permitted by law and no higher than the average wage rates in effect for each class of labor used in the manufacturer's plant at the time such product is being priced under this regulation.

(ii) *Material costs.* Material costs shall be those based on prices being paid at the time the product is being priced, but shall in no event be based on prices higher than the maximum prices established by the applicable maximum price regulations.

Where the material whose cost is being determined is tax paid alcohol, the price specified above shall be the price for such alcohol, fully tax paid without drawback, less the following amounts:

(*a*) If the material costs are being determined for a private formula product whose maximum price was established prior to November 1, 1942, $2.00 per proof gallon.

(*b*) If material costs are being determined for any other private formula product as to which the manufacturer would be eligible to receive a drawback under section 3250 (1) of the Internal Revenue Code, $3.75 per proof gallon.

(iii) *Operating conditions.* The computation shall be made on the basis of the production technique employed in the plant at the time such product is being priced and on the basis of the actual volume of production in any one batch or single continuous run of such comparable product and the contemplated volume of production in any one batch or single continuous run of the product being priced.

(7) "Trade practices" includes credit practices and practices relating to the payment of transportation costs.

(8) "Transportation costs" or "freight charges" shall be deemed to include the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong., approved October 21, 1942), as if it were a like increase in the rate or the amount charged by the carrier for the transportation in question.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation shall apply to other terms used in this regulation.

SEC. 2. *Applicability of other price regulations*—(a) *General Maximum Price Regulation*[1] The General Maximum Price Regulation shall not apply to sales or deliveries of private formula products covered by this regulation on and after February 11, 1944, except that the provisions specified below shall apply to sales and deliveries covered by or sellers subject to this regulation.

(1) Section 5. Transfers of business or stock in trade.
(2) Section 7. Federal and state taxes.
(3) Section 11. Base period records.
(4) Section 12. Current records.
(5) Section 19a. Adjustable pricing.
(6) § 1499.26 Revised Supplementary Regulation No. 1.[2]

(b) This regulation shall not apply and Maximum Price Regulation No. 165—Services shall apply where all of the materials, including packaging materials, are supplied by the buyer.

(c) *Exports (Second Revised Maximum Export Price Regulation[3] applicable).* The maximum prices at which a person may export private formula products shall be determined in accordance with the provisions of the Second Revised Maximum Price Regulation.

(d) *Imports (Maximum Import Price Regulation[4] applicable).* The provisions of this regulation shall not apply and the Maximum Import Price Regulation shall apply to the purchases, sales or deliveries of private formula products, if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported products are governed by the provisions of the Maximum Import Price Regulation.

SEC. 3. *Geographical applicability of this regulation.* This regulation applies

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.
[2] 8 F.R. 11738, 11814, 11951, 12406, 12793, 13171, 13513.
[3] 8 F.R. 4132, 5987, 7662, 9998.
[4] 8 F.R. 11681, 12237.

in the 48 States of the United States and the District of Columbia.

SEC. 4. *Prohibition against sales at higher than maximum prices.* (a) On and after February 11, 1944, regardless of any contract or other obligation:

(1) No manufacturer shall sell or deliver any private formula product at a price higher than the maximum price established by this regulation.

(2) No person shall buy or receive any such product, in the course of trade or business, at a higher price than the maximum price established by this regulation.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) The buyer shall be deemed to have complied with this section if, at the time of purchasing, the buyer receives from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price established by this regulation and that he has fully complied with this regulation, and if the buyer has no reason to doubt the truth of the statement.

(c) Nothing in this Revised Maximum Price Regulation No. 282 shall prevent the fulfillment of contracts entered into before February 11, 1944 for the sale of private formula products at prices not exceeding the maximum prices established by Maximum Price Regulation No. 282 before revision or the General Maximum Price Regulation, whichever is applicable.

SEC. 5. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 6. *Maximum prices for private formula products priced before February 11, 1944.* The maximum price for a sale of a private formula product which is the same as such a product for which a maximum price has been established under an applicable maximum price regulation shall be the maximum price so established if:

(a) The number of units to be manufactured in any one batch or single continuous run does not vary by more than 30 per cent from the number manufactured in any one batch or single continuous run of the production on the basis of which the maximum price was established, and

(b) The maximum price was established on a sale to a non-affiliated buyer or on a sale to the same buyer, whether affiliated or not.

SEC. 7. *Maximum prices for private formula products which cannot be priced under section 6 above.* (a) The maximum price for a sale by a manufacturer of any private formula product which cannot be priced under section 6 above shall be no higher than the maximum price determined by the method set forth in subparagraphs (1) or (2) below:

(1) *Where comparable product exists.* The maximum price per unit shall be the unit direct cost of the private formula product being priced multiplied by the mark-up factor obtained on the sale of the most comparable product. Such mark-up factor shall be computed by dividing the maximum price per unit on such sale by the current unit direct cost of the most comparable product.

Where the buyer supplies part of the material, including packaging material, for the production of the product being priced, such material shall not be included in computing the unit direct cost of such product.

Where the buyer supplied part of the material, including packaging material, for the production of the most comparable product at the time a maximum price therefor was established, the current market value, of such material not in excess of the applicable maximum price therefor, shall be used in computing the current unit direct cost of the most comparable product, unless such material was not included in computing the costs and price of the most comparable product at the time a maximum price therefor was established.

All customary discounts, trade practices, and practices relating to the payment of transportation charges in effect with respect to the sale of such a comparable product shall apply to such maximum price.

(2) *Where no comparable product exists.* The maximum price for such new private formula product shall be in line with the level of maximum prices established by this regulation and authorized by the Office of Price Administration in accordance with the procedure set forth in paragraph (b) below:

(b) *Report of price.* Before any manufacturer may deliver any private formula product priced under this section, either by reference to a comparable product under paragraph (a) (1) above, or otherwise under paragraph (a) (2) above, he shall submit by registered mail to the Office of Price Administration in Washington, D. C., a report upon OPA Form No. 6812:277, also known as Appendix C of the General Maximum Price Regulation, duly filled out. He may use a form copied from such form. Copies of the form may be obtained from the district, regional or national offices of the Office of Price Administration.

Where no comparable product exists, the part of the form specified in the above paragraph pertaining to a comparable article shall not be filled out.

In addition to the information specified in the said form, the manufacturer shall include therewith a statment showing:

(1) The name and address of the prospective purchaser of the private formula product being priced, whether or not the purchaser is under common control or ownership with the seller and, if so, the facts pertaining to the same.

(2) The number of units to be sold and to be manufactured in any one batch or single continuous run and the prospective dates of manufacture and delivery of the product being priced.

(3) The number of units sold and manufactured in any one batch or single continuous run on the sale of the most comparable product for which a maximum price was established.

(4) Trade practices including credit, container and transportation provisions.

(5) All materials (including packaging materials) supplied by the buyer the costs of which were not included in computing the cost and price of the most comparable product at the time a maximum price therefor was established, including the quality, grade and specification of each such material and the amount of each used per unit of the product.

(6) All materials (including packaging materials) supplied by the buyer of the product being priced, including the quality, grade and specification of each such material and the amount of each used per unit of the product.

(7) Where no comparable product exists, the manufacturer shall also include in the statement:

(i) The reasons why such product cannot be priced under section 6 or section 7 (a) (1) above.

(ii) The maximum price proposed by the manufacturer together with a detailed explanation of the method by which the manufacturer computed such price.

(iii) The reasons why the manufacturer believes the proposed price to be in line with the level of maximum prices established by this regulation.

After mailing the report, or report and statement, the manufacturer may make deliveries at prices not in excess of those reported. If, at the expiration of twenty days from the date of mailing the report, the manufacturer has not received from the Office of Price Administration a written disapproval of the reported proposed maximum prices, such prices shall be considered as authorized. If not approved, the Office of Price Administration may require refunds to be made.

(c) The Price Administrator may by letter or otherwise adjust any such reported prices which he finds are not in conformity with the regulation or which he determines to be excessively high; but, unless a written disapproval has been mailed to the manufacturer within said twenty-day period, not until after giving the manufacturer notice and a reasonable opportunity to present additional evidence. Such adjusted price shall not be retroactive unless written disapproval has been mailed to the manufacturer within said twenty-day period. No retroactive adjustment shall be made as to deliveries made between the end of said twenty-day period and the date the disapproval is received by the manufacturer.

SEC. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, a private formula product, alone or in conjunction with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 9. *Licensing and enforcement.* (a) The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for

violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Applications for adjustment.* (a) If the materials and labor used by a manufacturer in the production of a private formula product have increased in cost to him so substantially since a maximum price was established for the product that he cannot continue to use those materials in the production of the product or to continue to produce the product, he may file an application for adjustment of his maximum price for the product. The application must show:

(1) The name and address of the prospective purchaser of the product, whether or not the purchaser is under common control or ownership with the seller, and, if so, the facts pertaining to the same.

(2) Name, description, unit of sale and production, established maximum selling price of the product, and full terms of sale.

(3) Itemization of direct material and labor costs per unit, including the cost, quantity, and name and address of the supplier of each item of material, at the time the maximum price was established for the product.

(4) Total current costs of production per unit for the product including:

(i) Itemization of direct material and labor costs per unit including the cost, quantity and name and address of the supplier of each item of material and, if increased labor costs are shown, a full explanation of the reason for the increase and a showing that any wage rates subject to approval by the War Labor Board have been approved by that Board.

(ii) Other manufacturing costs directly assignable to the production of the product such as: indirect labor, factory supplies, repairs and maintenance of building, machinery and equipment, insurance, property taxes, depreciation at normal rates on plant and equipment actually used in manufacture, purchased utility services, and other items commonly associated with factory operation.

(iii) Other general administrative and selling expenses such as: executive and administrative salaries, office expense, commissions, advertising, and similar items but not including income or excess profit taxes, charges to war reserves, or reserves for contingencies.

(iv) The method of allocating the costs and expenses to the product. The costs and expenses of production may be broken down in the detail and in accordance with the method customarily used by the manufacturer in computing his cost of production of the product, but shall show general administrative and selling expenses separately.

(5) Profit and loss statements for each of the calendar or fiscal years between 1936 and 1939, inclusive, and for the most recent full fiscal or calendar year, and for each of the quarters thereafter, prior to the date of filing the application. The filing of the financial data designated in this item is optional. Should the applicant prefer and so requests, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue. If the applicant has submitted any of such data on Office of Price Administration Financial Report Forms A or B for certain periods or has furnished same on a previous application for adjustment of a maximum price, he may so state and omit those periods in his present report.

(6) If the manufacturer applies for an adjustment of his maximum price per unit to a price no higher than the total current cost of production per unit less general administrative and selling expenses, he need not include in the application the data required on general administrative and selling expenses by subparagraph (iii) of paragraph (4) above nor the profit and loss statements required by paragraph (5) above.

(7) The proposed selling price and terms of sale.

(8) A written statement signed by the prospective buyer of the private formula product from the manufacturer that he can and agrees to absorb the increased costs, stating the amount of the same, and that he will not increase his prices to a purchaser from him on a sale of the product under Maximum Price Regulation 392 or 393, or otherwise, by reason of such increased costs should the application for adjustment be granted nor use a price higher than the unadjusted price for the product in computing a maximum price under Maximum Price Regulation No. 392 or 393 for the same product.

(b) Should the application for adjustment be granted, no sales or deliveries of the product to other buyers may be made at the increased price unless such buyer also signs a statement and agreement similar to that required in paragraph (a) (8) above.

(c) Any buyer who fails to carry out such an agreement shall be in violation of this regulation.

(d) No adjustment granted under this section shall exceed the increases in cost of direct labor and materials, and any such adjustment shall be additionally limited as set forth below: (As used below "over-all profits" means over-all profits before deduction of income and excess profit taxes.)

(1) To an amount sufficient to make the adjusted price per unit equal to the total current cost of production per unit less general administrative and selling expenses, where applicant's current over-all profits on an annual basis are at least 15 per cent greater than his average annual over-all profits during the years 1936–1939, inclusive (or other appropriate peace-time base period).

(2) To an amount sufficient to make the adjusted price per unit equal to the total current cost of production per unit, where applicant's current over-all profits on an annual basis are less than 15 per cent greater, but not appreciably less, than his average annual over-all profits during the period 1936–1939, inclusive (or other representative peace-time base period), but not in excess of an amount which will cause his current over-all profits on an annual basis to equal or exceed 115 per cent of his average annual over-all profits during such base period.

(3) To an amount sufficient to make the adjusted price per unit equal to the total current cost of production per unit plus a reasonable margin of profit per unit, where applicant's current over-all profits on an annual basis are appreciably less than his average annual over-all profits during the period 1936–1939, inclusive (or other representative peace-time period), but not in excess of an amount which will cause his current over-all profits on an annual basis to exceed his average annual over-all profits during such base period.

(e) Any application for an adjustment under this section shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1.[5]

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Effective date. This regulation shall become effective February 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1769; Filed, February 5, 1944; 12:11 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[2d Rev. MPR 216,[1] Amdt. 2]

EASTERN PRIMARY FOREST PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Second Revised Maximum Price Regulation 216 is amended in the following respects:

1. In section 2 (a), a subparagraph (4) is added, to read as follows:

(4) Eastern industrial blocking.

2. In section 2 (e), subparagraphs (7), (8), and (9) are redesignated (9), (10), and (11), respectively, and subparagraphs (7) and (8) are added, to read as follows:

(7) "Industrial blocking" means mixed hardwoods that are sawn to specified sizes and of a grade meeting the requirements of steel mills and like users, for

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 12936, 16209.

[5] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

bracing and blocking their products in shipment.

(8) "Standard open pit mine ties" means ties 8′ in length, manufactured from woods-run timber 8″ or larger in top diameter. "Small" open pit mine ties are the same except that they are manufactured from timber 7″ to 8″ in top diameter.

3. Section 3, in the first undesignated paragraph, immediately after the phrase "for Eastern wooden mine material", the phrase "and industrial blocking" is inserted; and immediately after the phrase "round or split lagging" the phrase "and open pit mine ties" is inserted.

4. In section 3, at the end of the third undesignated paragraph the following sentence is added: "Open pit mine ties in Zone 8 may be priced on a delivered basis in accordance with footnote 1 to table 7 (c)".

5. In section 4, at the end of the first undesignated paragraph, the following sentence is added: "Transportation additions for open pit mine ties delivered to mines in Zone 8 are set out in footnote 1 to table 7 (c)."

6. In section 17, the section heading is amended to read: *"Maximum prices for Eastern wooden mine material and industrial blocking"*, and at the end of the undesignated paragraph, the following is added: "A provision for quoting open pit mine ties on delivered basis in Zone 8 appears in footnote 1 to table 7 (c).

All diameters specified in the following tables in this section refer to measurement taken at the small end and under the bark".

7. In section 17, a table 3 (e) is added, to read as follows:

3 (e) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6″ x 7″	$30.50	5400	3900
All sizes over 6″ x 7″	32.50	5400	3900

NOTE 1: All lengths specified shorter than 6′, add 3.00.

8. In section 17, a table 4 (d) is added, to read as follows:

4 (d) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6″ x 7″	$30.50	5400	3900
All sizes over 6″ x 7″	32.50	5400	3900

NOTE 1: All lengths specified shorter than 6′, add $3.00.

9. In section 17, tables 5 (a), 5 (b), and 5 (c) are redesignated 5 (b), 5 (c), and 5 (d), respectively, and new tables 5 (a) and 5 (e) are added, to read as follows:

5 (a) UNPEELED PIT POSTS AND PROPS—PRICE PER POST

(f. o. b. cars railroad loading-out point in the Counties of Bedford, Franklin, Campbell, Amherst, Appomattox, Prince Edward, and Charlotte in the State of Virginia)

Length	Diameters			
	5″	6″	7″	8″
	Price	*Price*	*Price*	*Price*
6′0″	$0.18	$0.20	$0.24	$0.27
6′2″	.185	.21	.245	.275
6′4″	.19	.21	.25	.28
6′6″	.195	.22	.255	.285
6′8″	.20	.23	.26	.29

5 (a) UNPEELED PIT POSTS AND PROPS—PRICE PER POST—Continued

Length	Diameter			
	5″	6″	7″	8″
	Price	*Price*	*Price*	*Price*
6′10″	$0.205	$0.24	$0.27	$0.30
7′0″	.21	.245	.28	.31
7′6″	.225	.26	.30	.335
8′0″	.24	.28	.32	.36
8′6″	.255	.30	.34	.38
9′0″	.27	.315	.36	.40
9′6″	.285	.33	.38	.425
10′0″	.30	.35	.40	.45
10′6″	.34	.39	.44	.50
11′0″	.385	.44	.49	.55
11′6″	.40	.46	.51	.575
12′0″	.42	.48	.54	.60
12′6″	.435	.50	.56	.625
13′0″	.455	.52	.58	.65
13′6″	.47	.54	.60	.675
14′0″	.49	.56	.63	.70
14′6″	.485	.58	.65	.725

5 (e) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6″ x 7″	$29.00	5400	3900
All sizes over 6″ x 7″	31.00	5400	3900

NOTE 1: All lengths specified shorter than 6′ add $3.00

10. In section 17, a table 6 (d) is added, to read as follows:

6 (d) INDUSTRIAL BLOCKING (MIXED HARDWOODS)

	Price	Green	Dry
All sizes up to and including 6″ x 7″	$25.00	5400	3900
All sizes over 6″ x 7″	27.00	5400	3900

NOTE 1: All lengths specified shorter than 6′, add $3.00

11. In section 17, tables 7, 7 (a), 7 (b), 7 (c), 7 (d), and 7 (e) are amended, and tables 7 (f), 7 (g), and 7 (h) are added, all to read as follows:

MAXIMUM PRICES FOR MINE MATERIAL PRODUCED IN ZONE 8

TABLE 7.—ROUND UNPEELED PIT POSTS, PROPS, POLE TIMBER AND CRIBBING PRODUCED IN MINNESOTA

[Weight in pounds and price per lineal foot]

Top diameter inside bark	Mixed Hardwoods and Hemlock				Tamarack				Jack, Norway, White Pine and Spruce			
	All lengths 8′ and under		All lengths over 8′		All lengths 8′ and under		All lengths over 8′		All lengths 8′ and under		All lengths over 8′	
	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price
3″ to 5″	10	$0.025	11	$0.03								
5″ to 7″	18	.05	19	.055								
7″ to 9″	29	.09	31	.10								
9″ to 11″	43	.12	45	.13								
11″ to 13″	59	.16	62	.17								
13″ to 15″	78	.19	81	.20								
15″ to 17″	97	.235	100	.245								
3″ to 5′					8.5	$0.03	9.5	$0.035	7.5	$0.02	8.5	$0.025
5″ to 6″					12	.045	13	.05	11	.03	12	.035
6″ to 7″					16	.075	17	.085	14.5	.04	15.5	.05
7″ to 8″					21	.105	22	.115	18.5	.065	19.5	.075
8″ to 9″					26	.135	27	.145	23	.09	24	.10
9″ to 10″					31	.17	33	.18	28	.12	29.5	.13
10″ to 11″					37	.205	39	.215	34	.14	35.5	.15
11″ to 12″					44	.24	46	.25	40	.17	42	.18
12″ to 13″									46	.21	48	.22
13″ to 14″									53	.24	55	.25
14″ to 15″									61	.29	63	.30

TABLE 7 (a)—ROUND UNPEELED PIT POSTS, PROPS, POLE TIMBER AND CRIBBING PRODUCED IN WISCONSIN AND MICHIGAN

[Weight in pounds and price per lineal foot]

Top diameter inside bark	Mixed Hardwoods and Hemlock				Tamarack				Jack, Norway, White Pine and Spruce			
	All lengths 8′ and under		All lengths over 8′		All lengths 8′ and under		All lengths over 8′		All lengths 8′ and under		All lengths over 8′	
	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price	Wt.	Price
3″ to 5″	10	$0.025	11	$0.03								
5″ to 7″	18	.05	19	.055								
7″ to 9″	29	.09	31	.10								
9″ to 11″	43	.12	45	.13								
11″ to 13″	59	.16	62	.17								
13″ to 15″	78	.19	81	.20								
15″ to 17″	97	.235	100	.245								
3″ to 4″					7.5	$0.03	8.5	$0.035				
4″ to 5″					9.5	.04	10.5	.045				
5″ to 6″					12	.05	13	.055				
6″ to 7″					16	.075	17	.085				
7″ to 8″					21	.105	22	.105				
8″ to 9″					26	.135	27	.135				
9″ to 10″					31	.17	33	.17				
10″ to 11″					37	.205	39	.205				
11″ to 12″					44	.24	46	.24				
8″ to 5″									7.5	$0.02	8.5	$0.025
5″ to 6″									11	.03	12	.035
6″ to 7″									14.5	.04	15.5	.05
7″ to 8″									18.5	.065	19.5	.075
8″ to 9″									23	.09	24	.10
9″ to 10″									28	.12	29.5	.13
10″ to 11″									34	.14	35.5	.15
11″ to 12″									40	.17	42	.18
12″ to 13″									46	.21	48	.22
13″ to 14″									53	.24	55	.25
14″ to 15″									61	.29	63	.30

TABLE 7 (b)—ROUND OR SPLIT LAGGING (192 CUBIC FOOT CORD)

	Per cord	
	Weight	Price
Split cedar lagging	3250	$15.50
Round or split jack pine or poplar lagging	5000	15.50

TABLE 7 (c)—OPEN-PIT MINE TIES

	Each
8′ Standard tamarack mine cross ties (manufactured from 8″ and larger timber)	$1.20
8′ Small tamarack mine cross ties (manufactured from 7″ to 8″ timber)	.70
8′ Standard white oak mine cross ties (manufactured from 8″ and larger timber)	1.47
8′ Small white oak mine cross ties (manufactured from 7″ to 8″ timber)	.80
	Per M′BM
Tamarack mine switch ties	$42.00
White oak mine switch ties	45.00

FOR MINE SWITCH TIES SOLD AND LOADED IN SETS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PURCHASER ADD $2.50 PER M′BM

NOTE: 1—To figure delivered prices in Zone 8 instead of using the provisions of section 4, the following amounts may be added to above prices regardless of the production point.

	Each
Standard tamarack mine cross ties	$0.15
Small tamarack mine cross ties	.10
Standard white oak mine cross ties	.20
Small white oak mine cross ties	.15
	Per M′BM
White oak and tamarack mine switch ties	$7.50

TABLE 7 (d)—MIXED HARDWOOD UNDERGROUND MINE CROSS OR SWITCH TIES

	Per M′BM		
	Weight		Price
	Green	Dry	
All sizes 8′ and shorter	5400	3900	$30.50

TABLE 7 (e)—CROSS BARS (COLLARS) MIXED HARDWOODS

	Per M′BM		
	Weight		Price
	Green	Dry	
All sizes up to and including 6″ to 7″	5400	3900	$30.50
All sizes over 6″ x 7″	5400	3900	32.50

NOTE: 1—For specified lengths longer than 16′ add $3.00.

TABLE 7 (f)—SHORT MINE MATERIAL MIXED HARDWOODS

	Per M′BM		
	Weight		Price
	Green	Dry	
Post Caps (Headers) All Sizes	5400	3900	$30.50
Wedges to Specification	5400	3900	40.00

TABLE 7 (g)—MINE BOARDS MIXED HARDWOODS

	Per M′BM		
	Weight		Price
	Green	Dry	
All sizes	5400	3900	$30.50

TABLE 7 (h)—INDUSTRIAL BLOCKING MIXED HARDWOODS

	Per M′BM		
	Weight		Price
	Green	Dry	
All sizes up to and including 6″ x 7″	5400	3900	$30.50
All sizes over 6″ x 7″	5400	3900	32.50

NOTE 1: All lengths specified shorter than 6′ add $3.00.

12. Section 18, in the provision headed "Notes: Applying to Tables 8, 8a, 8b, 8c, 8d, and 8e", notes 1 and 7 are amended and note 11 is added, to read as follows:

1. If a top diameter is specified, or where the top diameter controls, the butt size shall be determined by adding to the top diameter specified 1 inch for each 10 feet or fraction thereof in length.

7. For unpeeled Oak, deduct .02 per lineal foot.

11. For yellow pine piling shorter than 15′ produced in Zones 2, 3, 4, 5, 6, or 7, the maximum prices and weights shown in Table 10 shall apply.

13. In section 18, Table 9, a note 14 is added, to read as follows:

14. For specified top diameter poles of ASA quality except in dimensions, the maximum price shall be determined as for an ASA pole, the class to be determined by the following matching of sizes:

On all poles 50′ and shorter:

4″ top dia	use Class 9
5″ top dia	use Class 7
6″ top dia	use Class 6
7″ top dia	use Class 5
8″ top dia	use Class 4
9″ top dia	use Class 3
10″ top dia	use Class 1

On all poles 55′ and longer:

4″ top dia	use Class 9
5″ top dia	use Class 7
6″ top dia	use Class 6
7″ top dia	use Class 5
8″ top dia	use Class 3
9″ top dia	use Class 2
10″ top dia	use Class 1

14. In section 18, Table 10 is amended, to read as follows:

TABLE 10—YELLOW PINE REINFORCING STUBS AND ANCHOR LOGS SHORTER THAN 15′, MAXIMUM PRICES AND WEIGHTS PER LINEAL FOOT, PRODUCED IN ZONES 2, 3, 4, 5, 6, AND 7

(F. o. b. loading-out point or dumped, boomed, rafted, and prepared for towing in towable waters)

Minimum diameter small end	Estimated weight	Maximum Prices	
		Zones 5, 6, and 7	Zones 2, 3, and 4
5″	12	$0.03	$0.04
6″	15	.04	.05
7″	22	.06	.07
8″	30	.07	.09
9″	35	.08	.10
10″	39	.12	.14
11″	47	.14	.17
12″	55	.16	.19
13″	63	.19	.22
14″	72	.22	.25
15″	82	.25	.28
16″	92	.28	.31

NOTE 1: For clean peeled stubs and anchor logs up to and including 13″ minimum butt, add $0.01 per lineal foot. 14″ minimum butt and larger, add $0.02 per lineal foot.

NOTE 2: For boring, add $.02 per hole.

This amendment shall become effective February 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1772; Filed, February 5, 1944; 12:07 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 38]

INTOXICATING LIQUORS IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 25 is amended to read as follows:

SEC. 25. *Maximum prices for intoxicating liquors.* (a) Except as otherwise provided herein, the maximum price for intoxicating liquors sold at wholesale or at retail shall be:

(1) *Sales at wholesale.* The maximum price at wholesale shall not exceed the prices charged by the seller for the same amount and type of intoxicating liquors sold or offered for sale on December 6, 1941, except that

(i) Any discounts granted by a wholesaler to a retailer for quantity purchases or otherwise on December 6, 1941, may be discontinued, and

(ii) There may be added to the maximum price established herein, the amount of any United States gallonage tax which has become applicable on such sales since December 6, 1941.

(2) *Sales by retailers.* The maximum price at retail shall not exceed the prices charged by the seller for the same amount and type of intoxicating liquors sold or offered for sale on December 6, 1941, except that

(i) There may be added to the maximum price the amount of any United States gallonage tax which has become applicable on such sales since December 6, 1941.

(3) *Liquors not sold or offered for sale on December 6, 1941.* The maximum prices at wholesale and at retail for any intoxicating liquors not sold or offered for sale on December 6, 1941, shall be determined by the Office of Price Administration, Iolani Palace, Honolulu, T. H., upon application made to it by any seller of such intoxicating liquors.

(4) For the purposes of this table, the term "intoxicating liquor" means any liquid with alcoholic content over 3.2% by volume sold by the bottle, package or case.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201, 9 F.R. 173, 393.

(b) Maximum prices for sales in the Island of Oahu of compounded liquor manufactured in the Territory of Hawaii.

90 PROOF LIQUOR

Number of bottles per case	Size of bottles	Maximum prices per case for sales to wholesalers, retailers or dispensers	Maximum prices per bottle for sales to consumers
4	1 gallon	$30.43	
3	1 gallon	22.82	
6	½ gallon	23.13	$5.01
12	1 quart	23.74	2.57
12	⅘ quart	19.35	2.10
24	1 pint	24.84	1.35
48	½ pint	25.96	.71

Liquor other than 90 proof. For liquor other than 90 proof, maximum prices shall be the prices determined by applying the factors shown in the following conversion table for each variation of 1 degree in proof content.

CONVERSION TABLE

Number of bottles per case	Size of bottles	Factors for adjusting maximum prices per case for sales to wholesalers, retailers or dispensers	Factors for adjusting maximum prices per bottle for sales to consumers
4	1 gallon	$0.3131	
3	1 gallon	.2348	
6	½ gallon	.2348	$0.05088
12	1 quart	.2348	.02544
12	⅘ quart	.1879	.02035
24	1 pint	.2348	.01272
48	½ pint	.2348	.00636

NOTE: Fractions. Drop fractions of less than ½ cent. For fractions of ½ cent or over, raise to the next highest whole cent.

Variations of less than one degree in proof content. Adjust proportionately (e. g., half the above amounts for variations of ½ degree, etc.)

Examples. To determine the maximum price to wholesalers, retailers or dispensers for a case of 12 one-quart bottles of 85 proof gin (or other Hawaiian manufactured compounded liquor):

Maximum price for a similar case of 90 proof liquor		$23.74
Factor for adjusting prices (from conversion table)	$0.2348	
Number of degrees variation in proof content (85 − 90)	−5	
Adjustment of 90 proof price ($0.2348 x (−5))	−$1.1740	
Adjustment after dropping fraction of less than ½ cent	−1.17	
Maximum price for a case of 85 proof liquor		22.57

To determine the maximum price to consumers for one quart bottle of 85 proof liquor:

Maximum price for one quart bottle of 90 proof liquor		$2.57
Factor for adjusting prices (from conversion table)	$0.02544	
Number of degrees variation in proof content (85 − 90)	−5	
Adjustment of 90 proof price ($0.02544 x (−5))	−$0.12720	
Adjustment after raising fraction of more than ½ cent	−.13	
Maximum price for one quart bottle of 85 proof liquor		$2.44

Complete schedule of 85 proof liquor prices resulting from application of conversion table in accordance with above examples:

85 PROOF LIQUORS

Number of bottles per case	Size of bottles	Maximum prices per case for sales to wholesalers, retailers or dispensers	Maximum prices per bottle for sales to consumers
4	1 gallon	$28.86	
3	1 gallon	21.65	
6	½ gallon	21.96	$4.76
12	1 quart	22.57	2.44
12	⅘ quart	18.41	2.00
24	1 pint	23.67	1.29
48	½ pint	24.79	.68

(1) The maximum prices above established for sales to wholesalers, retailers, or dispensers are for delivery at the seller's warehouse. In the event the seller delivers to the buyer's place of business or to any other point designated by the buyer he may add to the maximum price an amount not in excess of charges for transportation actually paid, or to be paid, in connection with such delivery. The seller may not make any additional charge for delivery made in vehicles owned or controlled by him without first obtaining written authorization from the Office of Price Administration.

(c) Maximum prices for gin drinks applicable in the Island of Hawaii only shall be:

(1) Gin manufactured in the Territory of Hawaii and sold in jiggers straight—$0.20 per ounce of gin.

(2) Mixed drinks made with gin manufactured in the Territory of Hawaii—$0.05 per drink less the dispenser's maximum price for mixed drinks made with imported gin.

VODKA, RUM, ARRACK, OKOLEHO, BRANDY AND ALL OTHER COMPOUND LIQUORS IN THE TERRITORY OF HAWAII—85 PROOF

Number of bottles per case	Size of bottles	Prices to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 Gallon	$30.12	
3	1 Gallon	22.59	
6	½ Gallon	23.51	
12	1 Quart	25.10	$2.76
12	⅘ Quart	20.74	2.28
24	1 Pint	26.02	1.46
48	½ Pint	27.34	.77

Other than 85 proof. Apply the factors shown in the following conversion table for each variation of 1 degree in proof content:

CONVERSION TABLE

Number of bottles per case	Size of bottles	Factors for adjusting prices to be charged to retailers and dispensers (per case)	Factors for adjusting prices to be charged to consumers (per bottle)
4	1 gallon	$0.3445	
3	1 gallon	.2584	
6	½ gallon	.2584	
12	1 quart	.2584	$0.02842
12	⅘ quart	.2067	.02274
24	1 pint	.2584	.01453
48	½ pint	.2584	.00726

NOTE: Fractions. Drop fractions of less than ½ cent. For fractions of ½ cent or over, raise to the next highest whole cent.

Variations of less than one degree in proof content. Adjust proportionately, by interpolation, (e. g. half the above amounts for variations of ½ degree, etc.)

Examples. (i) To determine the maximum price to retailers and dispensers for a case of 12 four-fifths quart bottles of 80.6 vodka:

Maximum price for a similar case of 85 proof vodka		$20.74
Factor for adjusting prices (from conversion table)	$0.2067	
Number of degrees variation in proof content (80.6–85)	−4.4	
Adjustment of 85 proof price ($0.2067 × (−4.4)	−.90948	
Adjustment after raising fraction of more than ½ cent	−.91	
Maximum price for a case of 80.6 proof fifths		19.83

(ii) To determine the maximum price to consumers for one four-fifths quart bottle of 80.6 vodka:

Maximum price for one bottle (⅘ quart) of 85 proof vodka		$2.28
Factor for adjusting prices (from conversion table)	$0.02274	
Number of degrees variation in proof content (80.6 − 85)	−4.4	
Adjustment of 85 proof price ($0.02274 × −4.4)	−.100056	
Adjustment after dropping fraction of less than ½ cent	−.10	
Maximum price for one bottle (⅘ quart) of 80.6 proof		2.18

(iii) Complete schedule of 80.6 proof prices resulting from application of conversion table in accordance with above examples:

80.6 PROOF LIQUORS OTHER THAN GIN

Number of bottles per case	Size of bottle	Price to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 gallon	$28.60	
3	1 gallon	21.45	
6	½ gallon	22.37	
12	1 quart	23.96	$2.63
12	⅘ quart	19.83	2.18
24	1 pint	24.88	1.40
48	½ pint	26.20	.74

(iv) Complete schedule of 90 proof prices resulting from application of conversion table in accordance with above examples:

90 PROOF LIQUORS OTHER THAN GIN

Number of bottles per case	Size of bottle	Prices to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 gallon	$31.84	
3	1 gallon	23.88	
6	½ gallon	24.80	
12	1 quart	26.39	$2.99
12	⅘ quart	21.77	2.39
24	1 pint	27.31	1.53
48	½ pint	28.63	.81

(v) Complete schedule of 105 proof prices resulting from application of conversion table in accordance with above examples:

100 PROOF LIQUORS OTHER THAN GIN

Number of bottles per case	Size of bottles	Prices to be charged to retailers and dispensers (per case)	Prices to be charged to consumers (per bottle)
4	1 gallon	$37.01	
8	1 gallon	27.76	
6	½ gallon	28.68	
12	1 quart	30.27	$3.33
12	⅘ quart	24.87	2.73
24	1 pint	31.19	1.75
48	½ pint	32.51	.92

(d) *Maximum prices for sales outside the Island of Oahu of compounded liquor manufactured in the Territory of Hawaii.* (1) The maximum prices for sales to consumers in the Territory of Hawaii outside the Island of Oahu shall be the maximum prices as set forth in paragraph (b) of this section, plus the following: .05¢ per bottle on ½ gallons, .03½ per bottle on quarts or ⅘ quarts, .01¢ per bottle on pints and ½ pints.

(2) The maximum prices for sales to wholesalers, retailers or dispensers in the Territory of Hawaii outside the Island of Oahu shall be the maximum prices as set forth in subparagraphs (1), (2), and (3) of paragraph (b) of this section, plus the amount of actual transportation costs from the point of manufacture to the buyer's place of business, or to any other point designated by him, actually paid, or to be paid, by the seller. To the extent that such transportation is accomplished in vehicles owned or controlled by the seller, or any other prior vender, no charge may be made therefor without first obtaining written authorization from the Office of Price Administration. Whenever transport is by air, the amount of excess of the actual cost of air freight over the cost of ocean freight for a similar shipment may not be included in the amount to be added for transportation costs unless the buyer requests shipment by air or that his order be filled from shipments that have been transported by air.

(e) *Miscellaneous*—(1) *Taxes.* The prices contained in paragraphs (b) and (c) of this section do not include the 6% Territorial Tax, which may be added, but they include all other taxes.

(2) Maximum prices for sales of less than case lots to wholesalers, retailers or dispensers should be proportional to the prices contained in paragraphs (b) and (c) of this section for full cases. For this purpose, where fractions occur the next highest whole cent may be used. For example, the maximum price to be charged dispensers for a case of twelve one-quart bottles of 85 proof gin is $22.57. The price of three bottles would be three-twelfths of $22.57. Since this would produce a price of $5.64¼, the fraction may be raised to the next highest cent, and $5.65 charged. The price for six bottles, however, would be $11.29, for seven bottles $13.17, etc. With respect to less than case sales in gallon sizes, the prices should be proportional to the price for a full case of three bottles. (Note that the rule for handling fractions for purposes of determining less than case prices is not the same as the rule for handling fractions when using the conversion table under paragraph (b).

2. Section 47 (i) is added to read as follows:

(i) *Posting and marking of prices.* Notwithstanding the provisions of section 10 of this regulation, the following posting and marking provisions shall be applicable to this section 47:

(1) *Posting.* On and after the effective date of this section every person who sells or offers to sell any article listed and described in paragraph (a) (1) at retail shall post in a conspicuous place in a manner plainly visible to and understandable by the purchasing public in the department or portion of the premises where any such article is sold or offered for sale, a sign stating "Each pair of shoes and slippers in this store (or on this counter, shelf, or in this case, bin or rack) is marked and sold at our ceiling price or less."

(2) *Marking.* On and after the effective date of this section no person shall sell or deliver or offer for sale any article listed and described in paragraph (a) (1) at retail unless there is firmly attached to such article a stamp, tag or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

This amendment shall become effective as follows:

(a) As to section 25 as of November 8, 1943.

(b) As to section 47 (i), on February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1770; Filed, February 5, 1944; 12:11 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR. 373,[1] Amdt. 39]

FROZEN SHRIMP AND PRAWN IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 55 is amended to read as follows:

SEC. 55. *Maximum wholesale and retail prices for frozen shrimp and prawn.* (a) Maximum prices for sales at wholesale and retail of frozen shrimp and prawn in the Territory of Hawaii, shall be:

FROZEN SHRIMP AND PRAWN

Style of processing	Size	Wholesale price (per pound packed in five pound containers)	Retail price per pound
Head on	Under 9 count	$0.369	$0.47
Head on	9-12 count	.343	.44
Head on	12-15 count	.316	.40
Head on	15-18 count	.29	.37
Head on	18-25 count	.27	.35
Head on	26-39 count	.25	.32
Head on	40 and over count	.23	.29
Headless	Under 15 count	.58	.74
Headless	15-20 count	.52	.67
Headless	21-25 count	.474	.61
Headless	26-30 count	.428	.55
Headless	31-42 count	.395	.51
Headless	43-65 count	.369	.47
Headless	66 and over count	.336	.43
Peeled	Under 18 count	.691	.88
Peeled	18-25 count	.625	.80
Peeled	26-31 count	.566	.72
Peeled	32-37 count	.513	.66
Peeled	38-51 count	.474	.61
Peeled	52-80 count	.434	.56
Peeled	81 and over count	.395	.51
Peeled and veined	Under 20 count	.783	1.00
Peeled and veined	20-27 count	.697	.89
Peeled and veined	28-33 count	.638	.82
Peeled and veined	34-40 count	.58	.74
Peeled and veined	41-56 count	.54	.69
Peeled and veined	57-86 count	.493	.63
Peeled and veined	87 and over count	.454	.58
Headless and veined.	Under 16 count	.625	.80
Headless and veined.	16-21 count	.566	.72
Headless and veined.	22-27 count	.513	.66
Headless and veined.	28-32 count	.467	.60
Headless and veined.	33-45 count	.434	.56
Headless and veined.	46-69 count	.401	.51
Headless and veined.	70 and over count	.369	.47

(b) *Definitions.* When used in this section the term:

(1) "Count" as applied to shrimp and prawn, means the number of processed shrimp or prawn to the pound.

(2) "Frozen shrimp and prawn" means shrimp and prawn that are naturally and artificially frozen.

(3) "Headless" means shrimp and/or prawn from which the head has been removed.

(4) "Headless and veined" means shrimp and/or prawn from which the head and alimentary canal (sand vein) have been removed.

(5) "Head on" means shrimp and/or prawn as it comes from the water.

(6) "Peeled" means shrimp and/or prawn from which the head and shell have been removed.

(7) "Peeled and veined" means shrimp and/or prawn from which the head, shell and alimentary canal (sand vein) have been removed.

(8) "Sale at retail" means a sale or selling to an ultimate user.

(9) "Sale at wholesale" means a sale to any person other than the ultimate consumer and shall include sales to licensed retail stores, peddlers, hotels, restaurants, licensed boarding houses, the United States or any of its political subdivisions, public institutions, and all commercial and industrial users.

(c) Maximum prices for sales at wholesale and retail of frozen shrimp and prawn not set forth in this section shall

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

be a price approved by the Office of Price Administration, Iolani Palace, Honolulu, Hawaii, which approval shall be obtained before any such shrimp is sold or offered for sale at wholesale or retail.

This amendment shall become effective as of November 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1771; Filed, February 5, 1944; 12:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Corr. to Amdt. 14 [1]]

DOMESTIC HOG BRISTLES

Section 2.12 (m) is corrected to read section 2.12 (n).

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1776; Filed, February 5, 1944; 12:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 47]

UNGINNED SPANISH MOSS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.12 (o) is added to read as follows:

(o) Unginned Spanish moss.

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1773; Filed, February 5, 1944; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11 to GMPR, Amdt. 43]

RECONDITIONING OF CONTAMINATED PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (130) is amended to read as follows:

(130) Reconditioning of contaminated petroleum products from ocean-going vessels or for the United States or any agency thereof or for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1942, entitled "An Act to Promote the Defense of the United States," or for any agency of such government.

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1774; Filed, February 5, 1944; 12:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 90]

GINNED SPANISH MOSS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 6.40 is added to read as follows:

SEC. 6.40 *Ginned Spanish moss.* This section establishes maximum prices for all sales of ginned Spanish moss except sales at retail. "Ginned Spanish moss" is a fibre derived from the plant dendropogon usnecides by removing the outer covering through a combination of fermentation and ginning.

(a) *Maximum prices for ginner's sales.* (1) Except as provided in subparagraph (2), below, the maximum prices applicable to sales of ginned Spanish moss by the ginner thereof are:

MAXIMUM PRICES F. O. B. GIN

[Cents per pound, any quantity]

	Sales to industrial users	All other sales
Black moss	17¾	16¼
All other moss	16¾	15

The prices enumerated above include commissions and all other charges. They are net prices except that the prices for sales to industrial users are subject to terms of 2% 10 days, net 30 days.

(2) The provisions of this subparagraph (2) are applicable only to those ginners who, during March 1942, had an established practice of making sales of ginned Spanish moss for shipment or delivery in less than carload quantities direct to industrial users from warehouse stocks maintained by the ginner at points other than the location of his gin or gins. The maximum prices established by this paragraph apply only to sales by such a ginner for shipment or delivery from warehouses located at points other than the gin and only on sales to industrial users. The maximum price, f. o. b. warehouse, shall be determined by adding to the applicable price enumerated below the rail freight at the carload rate from the producing gin to the warehouse. The invoice or other memorandum delivered to the purchaser by the ginner shall separately state the amount added for freight from the gin to the warehouse.

[Cents per pound]

Quantity	Black moss	All other moss
Carload lots (minimum 20,000 lbs.)	17¾	16¼
Less than carload lots:		
5,000 lbs. or over	18½	17
500 lbs. to 4,999 lbs.	19	17½
499 lbs. or less	22½	21

The above prices include commissions and all other charges and are subject to terms of 2% 10 days, net 30 days.

(b) *Maximum prices for all other sales.* The maximum prices, f. o. b. producing gin, applicable to sales of ginned Spanish moss by all persons other than the ginner are set forth below.

[Cents per pound

Quantity	Black moss	All other moss
Carload lots (minimum 20,000 lbs.)	17¾	16¼
Less than carload lots:		
5,000 lbs. or over	18½	17
500 lbs. to 4,999 lbs.	19	17½
499 lbs. or less	22½	21

The above prices include commissions and all other charges, except as specified below, and are subject to terms of 2% 10 days, net 30 days.

The above prices are for shipment direct from the producing gin to the purchaser. In the case of sales for shipment from a warehouse located at a point other than the location of the producing gin, rail freight at the carload rate from the gin to such warehouse may be added to the above prices. The invoice or other memorandum delivered to the purchaser by the seller shall separately state the amount added for freight from the gin to the warehouse.

This amendment shall become effective February 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1775; Filed, February 5, 1944; 12:07 p. m.]

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* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 8754.

PART 1340—FUEL

[MPR 436,[1] Amdt. 8]

CRUDE PETROLEUM AND PETROLEUM AND NATURAL GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 (m) (2) is added to read as follows:

(2) *Lance Creek Field and Salt Creek Field.* The maximum price at the receiving tank for crude petroleum produced in Lance Creek Field, Niobrara County, Wyoming and the Salt Creek Field, Natrona County, Wyoming except crude petroleum produced from the Tensleep Sand, shall be as follows:

A. P. I. gravity:	*Dollars per 42 gallon barrel*
Below 21	0.85
21–21.9	.87
22–22.9	.89
23–23.9	.91
24–24.9	.93
25–25.9	.95
26–26.9	.97
27–27.9	.99
28–28.9	1.01
29–29.9	1.03
30–30.9	1.05
31–31.9	1.07
32–32.9	1.09
33–33.9	1.11
34–34.9	1.13
35–35.9	1.15
36–36.9	1.17
37–37.9	1.19
38–38.9	1.21
39–39.9	1.23
40 and above	1.25

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1843; Filed, February 7, 1944; 11:40 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 451,[2] Amdt. 1]

BOOK PAPER

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The first paragraph of Appendix B (a) is amended to read as follows:

(a) In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942, the same or a similar grade in a like quantity to a purchaser in the same line of business, the maximum price shall be the highest price charged upon any such sale during that period. In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942 the same or a similar grade in an unlike quantity or to a purchaser in a different line of business, the maximum price shall be the highest price charged for the same or similar grade during that period for any quantity and to any purchaser, adjusted upward or downward, as the case may be, in accordance with the manufacturer's usual system of differentials and charges with respect to sales in varying quantities or to purchasers in different lines of business: *Provided, however,* That with respect to increases effected by seller subsequent to December 1, 1943, the pricing provisions of this paragraph shall in no event operate to increase the seller's maximum price applicable to the sale of the same or a similar grade in a like quantity to a purchaser to whom deliveries of that grade were made during the period October 1, 1941 through March 31, 1942 to an amount in excess of $3.00 per ton more than the highest price paid by such purchaser to such seller during the period October 1, 1941 through March 31, 1942, for the same or a similar grade in a like quantity.

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1845; Filed, February 7, 1944; 11:39 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 22]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The first sentence of paragraph (a) in section 20 is amended to read as follows:

The Regional Administrator for Region VIII may by order fix maximum prices for all types of sales of fresh fish or seafood for which a maximum price has not been established in this Maximum Price Regulation No. 418: *Provided,* That: (1) During the year preceding the issuance of the order, substantially all of such fish or seafood which was consumed in the United States entered the United States at or was produced within Region VIII; (2) substantially all of such fish or seafood during the year preceding the issuance of the order was consumed within Region VIII; and (3) the maximum price fixed by the order for each type of sale of such fish or seafood does not exceed the 1942 weighted average price for that type of sale of such fish or seafood: *Provided,* That such price is otherwise in accord with the provisions of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Executive Order No. 9328.

This amendment shall become effective February 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1846; Filed, February 7, 1944; 11:39 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[2] Amdt. 103]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The definition of "Rationed fats or oils" in section 24.1 (a) is amended by inserting after the words "sesame seed," in subparagraph (3), the words "sunflower seed,".

This amendment shall become effective February 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 7th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1847; Filed, February 7, 1944; 11:39 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[3] Amdt. 10]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 271 is amended in the following respects:

1. In tables I and III of section 24, footnote 1, including its subdivisions, in each case, is deleted.

2. Table III in section 24 is amended to read as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11369.

[2] 8 F.R. 11529.

[1] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

[1] 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695, 16739, 16797, 16855, 17326; 9 F.R. 104, 106, 220, 677, 695, 849.

[2] 8 F.R. 15587, 15663.

TABLE III.—WHITE FLESH POTATOES (1943)

[Maximum price per 100 lbs., U. S. No. 1 grade, sacked and loaded on carrier, all varieties]

State	Producing area	1943			1944					
		Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
North Atlantic:										
Maine	All	$2.15	$2.25	$2.35	$2.40	$2.45	$2.55	$2.65	$2.75	$2.75
New Hampshire	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Vermont	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Massachusetts	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Rhode Island	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
Connecticut	All	2.60	2.70	2.80	2.85	2.90	3.00	3.10	3.20	3.20
New York	Long Island	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
	Rest of State	2.40	2.50	2.60	2.65	2.70	2.80	2.90	3.00	3.00
New Jersey	All	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
Pennsylvania	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
East North Central:										
Ohio	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Indiana	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Illinois	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Michigan	All	2.35	2.45	2.55	2.60	2.65	2.75	2.85	2.95	2.95
Wisconsin	All	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
West North Central:										
Minnesota	Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, Pine and all counties North thereof.	2.05	2.15	2.25	2.30	2.35	2.45	2.55	2.65	2.65
	Rest of State	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
Iowa	Winnebago, Worth, Mitchell, Howard, Hancock, Cerro, Gordo, Floyd, Chickasaw, Winneshiek and Allamakee Counties.	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
	Rest of State	2.40	2.50	2.60	2.65	2.70	2.80	2.90	3.00	3.00
Missouri	All	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
North Dakota	Bowman, Golden Valley, Billings, Slope, McKenzie, Williams, and Divide Counties.	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
	Rest of State	2.05	2.15	2.25	2.30	2.35	2.45	2.55	2.65	2.65
South Dakota	All	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
Nebraska	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Kansas	All	2.20	2.30	2.40	2.45	2.50	2.60	2.70	2.80	2.80
West:										
Montana	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Idaho	Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kootenai, Bonner and Boundary Counties.	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
	Rest of State	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
Wyoming	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Colorado	Saguache, Mineral, Archuleta, Rio Grande, Conejos, Alamosa, Costilla, Huerfano, Las Animas Counties.	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
	La Plata, Hinsdale Gunnison, Pitkin, Eagle, Routt, and all counties west thereof.	2.10	2.20	2.30	2.35	2.40	2.50	2.60	2.70	2.70
	Greeley Distric. and rest of State.	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
New Mexico	All	2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05
Arizona	All	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
Utah	All	2.05	2.15	2.25	2.30	2.35	2.45	2.55	2.65	2.65
Nevada	All	2.30	2.40	2.50	2.55	2.60	2.70	2.80	2.90	2.90
Washington	All	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
Oregon	Malheur County	2.15	2.25	2.35	2.40	2.45	2.55	2.65	2.75	2.75
	Curry, Jackson, Josephine, Klamath, Lake, Harney, Crook, Deschutes Counties.	2.30	2.40	2.50	2.55	2.60	2.70	2.80	2.90	2.90
	Rest of State	2.25	2.35	2.45	2.50	2.55	2.65	2.75	2.85	2.85
California	Modoc and Siskiyou Counties.	2.30	2.40	2.50	2.55	2.60	2.70	2.80	2.90	2.90
	Rest of State	2.50	2.60	2.70	2.75	2.80	2.90	3.00	3.10	3.10
All other States		2.45	2.55	2.65	2.70	2.75	2.85	2.95	3.05	3.05

3. Table IV of section 24 is amended in the following respects:

a. In item 5 "Nevada" is deleted from the list of States.

b. In item 6 the list of States is amended to read as follows:

Oregon, all other counties except Crook, Deschutes, Klamath and Lake.

c. In item 7 the list of States is amended to read as follows:

California, Nevada, Oregon (counties of Crook, Deschutes, Klamath and Lake).

d. In the footnote, paragraph (d) is amended to read as follows:

d. For U. S. No. 1 white boiler and pickler onions graded and packed in 50-pound bags, the country shipper may add $1.00 per 50 pounds. No grade differential may be added.

4. Section 25 is added to read as follows:

SEC. 25. *Differentials for grade, size and packaging.* (a) *Potatoes (grade and size).* The following differentials shall be applied to the f. o. b. shipping point prices for white flesh potatoes, U. S. No. 1 Grade, packed in 100-pound bags, which are set forth in tables I, III and V in section 24. They shall be added or subtracted, as indicated, in sales by country shippers (including growers) to all persons (including other country shippers).

(1) *Grade*	*Amount to be applied per cwt.*
U. S. Extra No. 1 or better	add 10¢
Below U. S. No. 1 but 85% U. S. No. 1, U. S. commercial or better	subtract 10¢
Less than 85% U. S. No. 1, U. S. commercial or better, including ungraded and unclassified	subtract 30¢

(1) *Size*	*Amount to be applied per cwt.*
U. S. Size B	subtract 30¢
6 oz. minimum	add 15¢
2 inch minimum or U. S. Size A, or combination (If both 2 inch minimum and U. S. Size A only 10¢ may be added).	add 10¢
(3) *Baking type*	
U. S. No. 1 or better, 6 oz. and heavier, 2½ inch and larger	add 35¢
6 oz. minimum to 14 oz. maximum or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed or brushed and specially packed in 10 pound mesh bags, or in bags containing 10 mesh bags (each such mesh bag containing approximately 5 pounds)	add $1.25
6 oz. minimum to 14 oz. maximum or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed or brushed, specially packed in 50 pound bags	add 60¢

(b) *Potatoes (packaging).* The following differentials for packaging shall be added to or subtracted from the figure which results from application of the above grade and size differentials, as indicated, in sales by country shippers (including growers) to all persons (including other country shippers):

Type of pack or package	*Amount to be applied per cwt.*
(1) *Bulk, or in containers furnished by the purchaser* (For example, if the potatoes are U. S. Extra No. 1 and the buyer supplies the containers, the seller's maximum price per cwt. is the price from the appropriate table, plus 10¢ as shown in (a) (1) above, and minus 20¢ under this paragraph)	subtract 20¢
(2) *Cotton, mesh or burlap bags*	
10 pounds	add 40¢
15 pounds	add 30¢
25 pounds	add 20¢
50 pounds	add 10¢
(3) *Paper bags*	
10 pounds	add 20¢
15 pounds	add 15¢
25 pounds	add 10¢
50 pounds	add 5¢
(4) *Kraft paper bags specially treated and moisture proof*	
10 pounds	add 22¢
15 pounds	add 17¢
25 pounds	add 12¢
50 pounds	add 7¢

This amendment shall become effective February 5, 1944, except that as to sales of white boiler and all pickler onions by persons other than country shippers, it shall become effective February 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 3, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1766; Filed, February 5, 1944; 12:03 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 368,[1] Amdt. 6]

NORTHEASTERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 368 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Over-ceiling prices prohibited.* (a) On and after April 21, 1943, regardless of any contract or other obligations, no person shall sell or deliver, and no person shall buy in the course of trade or business, any Northeastern hardwood lumber for direct mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) On and after February 5, 1944, the basic mill prices set forth in this regulation may be increased by 6 percent on all items, except the following:

(1) Section 23, Tables 14, 17A, 17B, 17C, and 17D.

(2) Kiln-drying, millworking, antistain treatment, specified differentials and all additions to basic prices authorized by footnotes or otherwise.

2. In section 23, Table 17E—*Mixed Hardwoods; Industrial Blocking (Mixed Oak and Hardwoods)* is revoked.

This amendment shall become effective February 5, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-1785; Filed, February 5, 1944; 4:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,[2] Amdt. 1]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Ration Order 3 is amended in the following respects:

1. Section 1407.91 (b) (9) is added to read as follows:

(9) The amount of imported sugar-containing products used in excess of the amount permitted by § 1407.177 of this order.

2. Section 1407.170 (c) is amended by deleting the words "or Mexico".

3. An undesignated center headnote and § 1407.176 are added to read as follows:

IMPORTED SUGAR-CONTAINING PRODUCTS

§ 1407.176 *General.* (a) For the purposes of this section and §§ 1407.91, 1407.177, and 1407.178 of this order:

(1) "Imported sugar-containing product" means any product in which sugar was used (or containing an ingredient in which sugar was used), manufactured outside the 48 States of the United States and the District of Columbia. However, the term does not include processed foods (as defined in Revised Ration Order 13) or foods covered by Ration Order 16;

(2) Whenever any reference is made to the "amount" of an imported sugar-containing product, it shall be taken to mean the amount of sugar used in that product.

4. Section 1407.177 is added to read as follows:

§ 1407.177 *Amount of imported sugar-containing products which may be used.* (a) Any person may use imported sugar-containing products in the production or manufacture, or in the preparation for service, of other products, without giving up stamps, certificates, or checks, as follows:

(1) He may, during the period from May 1, 1944 through June 30, 1944, and during any allotment period beginning on or after July 1, 1944, use an amount not exceeding that which he used during the corresponding period in 1941. If, however, during any such period he uses an amount of imported sugar-containing products which is less than the amount he used during the same period in 1941, he may use the difference during any subsequent allotment period.

(2) He may also use any imported sugar-containing products in his possession or in transit to him on May 1, 1944, if by that date they were already in any of the 48 States of the United States or the District of Columbia and had been released by the Collector of Customs.

(b) If a registered industrial or institutional user desires to use a larger amount of imported sugar-containing products than permitted by paragraph (a), he must first give up to the board ration evidences covering that additional amount.

(c) The above restrictions do not apply to any imported sugar-containing products which a person uses primarily for consumption by himself, members of his family unit, or persons eating at his table or on a farm he operates.

(d) No person may use an imported sugar-containing product in the production or manufacture, or in the preparation for service, of other products, except to the extent permitted by this section, unless specifically authorized by the Director of Food Rationing of the Office of Price Administration.

(e) A person who uses imported sugar-containing products must make and keep a record showing the amount used by him in each month beginning with May 1944. In addition, every person who uses imported sugar containing products under paragraph (a) (1) of this section must make and keep a record showing the amount he used in each month of 1941 and a person using imported sugar-containing products under paragraph (a) (2) of this section must keep a record showing the amount in his possession or in transit to him on May 1, 1944. (This paragraph does not apply to products used as permitted by paragraph (c).)

(f) Every person who uses imported sugar-containing products must, within ten days after the allotment period in which he uses them, report to the district office, in any convenient form, the amount he used in that period. He must in addition, when making his first report, attach a statement showing the amount he used during each quarter of 1941. (This paragraph does not apply to products used as permitted by paragraph (c).)

5. Section 1407.178 is added to read as follows:

§ 1407.178 *Deliveries of imported sugar-containing products.* (a) Any person who knows or has reason to believe that a product is an imported sugar-containing product may not deliver it unless the container in which it is packaged when delivered is marked to show plainly that it is an imported sugar-containing product. Any invoice or sales slip involving an imported sugar-containing product must be similarly marked.

(b) Any person who knows or has reason to believe that a product he is delivering is an imported sugar-containing product which will be used in the production or manufacture, or in the preparation for service, of another product (other than under § 1407.177 (c)), must make and keep a record showing the amount of sugar in the product, the date of delivery, and the name and address of the person to whom the delivery is made.

(c) Any person who imports or receives an imported sugar-containing product from the Collector of Customs must keep a record showing the amount of sugar in the product.

(d) Any person who imports or receives imported sugar-containing products from the Collector of Customs shall, beginning in June 1944, prepare and sign a report in duplicate, in any convenient form, showing:

(1) The amount imported by him during the preceding month; and

(2) The names and addresses of the persons to whom he delivered imported sugar-containing products during the preceding month and the amount delivered to each such person.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4968, 8541, 10660, 15672, 16791, 17414.

[2] 9 F.R. 1433.

The original of the report shall be sent to the Office of Price Administration, Washington, D. C., not later than the 10th day of each month; the duplicate shall be retained by the person reporting.

6. Section 1407.179 is added to read as follows:

§ 1407.179 *Miscellaneous record-keeping provision.* (a) A person required to keep records under §§ 1407.177 or 1407.178 must keep them at his principal business office for a period of two years and must make them available for inspection by representatives of the Office of Price Administration.

This amendment shall become effective May 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2718; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 662, 2965; Food Dir. No. 3, 8 F.R. 2005; Food Dir. 8, 8 F.R. 7093)

Issued this 5th day of February 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-1786; Filed, February 5, 1944; 4:44 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

PILOT RULES

By virtue of the authority vested in me by sec. 2, 30 Stat. 102, 38 Stat. 381 (33 U.S.C. 157) and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Inspection and Navigation regulation is prescribed:

PART 312—PILOT RULES FOR INLAND WATERS

Effective as of April 1, 1944, section 312.16 is deleted and the following substituted in its stead:

§ 312.16 *Lights for barges, canal boats and scows in tow of steam vessels on certain inland waters on the seaboard, except the Hudson River and adjacent waters and Lake Champlain.* On the harbors, rivers, and other inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and except on the waters of the Hudson River and its tributaries from Troy to the boundary lines of New York Harbor off Sandy Hook as defined pursuant to section 2 of the act of Congress of February 19, 1895, the East River, and Long Island Sound (and the waters entering thereon, and to the Atlantic Ocean), to and including Narragansett Bay, R. I., and tributaries, and Lake Champlain, barges, canal boats and scows in tow of steam vessels shall carry lights as follows:

Barges and canal boats towing astern of steam vessels, when towing singly, or what is known as tandem towing, shall each carry a green light on the starboard side and a red light on the port side, and a white light on the stern, except that the last vessel of such tow shall carry two lights on her stern, athwartship, horizontal to each other, not less than 5 feet apart, and not less than 4 feet above the deck house, and so placed as to show all around the horizon. A tow of one such vessel shall be lighted as the last vessel of a tow.

When two or more boats are abreast, the colored lights shall be carried at the outer sides of the bows of the outside boats. Each of the outside boats in last tier of a hawser tow shall carry a white light on her stern.

The white light required to be carried on stern of a barge or canal boat carrying red and green side lights except the last vessel in a tow shall be carried in a lantern so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, namely, for 6 points from right aft on each side of the vessel, and shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles.

Barges, canal boats or scows towing alongside a steam vessel shall, if the deck, deck houses, or cargo of the barge, canal boat or scow be so high above water as to obscure the side lights of the towing steamer when being towed on the starboard side of the steamer, carry a green light upon the starboard side; and when towed on the port side of the steamer, a red light on the port side of the barge, canal boat or scow; and if there is more than one barge, canal boat or scow abreast, the colored lights shall be displayed from the outer side of the outside barges, canal boats or scows.

Barges, canal boats or scows shall, when being propelled by pushing ahead of a steam vessel, display a red light on the port bow and a green light on the starboard bow of the head barge, canal boat or scow, carried at a height sufficiently above the superstructure of the barge, canal boat or scow as to permit said side lights to be visible; and if there is more than one barge, canal boat or scow abreast, the colored lights shall be displayed from the outer side of the outside barges, canal boats or scows.

The colored side lights referred to in these rules for barges, canal boats and scows in tow shall be fitted with inboard screens so as to prevent them from being seen across the bow, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on either side. The minimum size of glass globes shall not be less than 6 inches in diameter and 5 inches high in the clear.

Scows not otherwise provided for in these rules when being towed by steam vessels on the waters covered by the first paragraph of these rules shall carry a white light at each end of each scow, except that when such scows are massed in tiers, two or more abreast, each of the outside scows shall carry a white light on its outer bow, and the outside scows in the last tier shall each carry, in addition, a white light on the outer part of the stern. The white light shall be carried not less than 8 feet above the surface of the water, and shall be so placed as to show an unbroken light all around the horizon, and shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 5 miles.

R. R. WAESCHE,
Commandant.

FEBRUARY 5, 1944.

[F. R. Doc. 44-1791; Filed, February 9, 1944; 9:03 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

MEN'S HAT AND CAP INDUSTRY

This matter is before me pursuant to section 1 (b) of the act of June 30, 1936, Pub. No. 846, 74th Cong. (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On November 11, 1943, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (8 F.R. 15873) why the minimum wage determination for the Men's Hat and Cap Industry issued on July 28, 1937, and amended January 24, 1938 and June 12, 1942 (2 F.R. 1335, 3 F.R. 224, and 7 F.R. 4495) should not be amended to provide (1) that there shall be no limitation on the number or proportion of auxiliary workers employed in the Uniform Cap and Stitched Hat Branches of the Industry, (2) that any auxiliary workers in the Industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piece-work basis, and (3) that the term "auxiliary workers" as applied to employees in the Uniform Cap and Stitched Hat Branches of the Industry shall include only those employees engaged in auxiliary occupations which were enumerated and defined in the Notice.

The proposed amendments of the minimum wage determination for the Men's Hat and Cap Industry were based upon evidence before the Department obtained in surveys and conferences held pursuant to a prior notice of opportunity to show cause dated December 10, 1942 and the notice dated November 11, 1943, at which representatives of manufacturers' associations and the trade union representing employees in the Men's Hat and Cap Industry were given an opportunity to express their views.

The above notices of opportunity to show cause were sent to trade unions,

trade associations and publications and were published in the FEDERAL REGISTER (7 F.R. 10492, 8 F.R. 15873). No substantial objections or statements in opposition to the proposed amendments have been received.

Upon consideration of all the facts and circumstances,

I hereby determine:

§ 202.11 *Men's hat and cap industry.* (a) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provision of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35) for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece-work basis.

(b) A tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act be granted for auxiliary workers in the Men's Hat and Cap Industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the Industry, provided that any auxiliary workers in the Industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piece-work basis.

(c) The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the Industry shall include only those employees engaged in auxiliary occupations enumerated and defined as follows:

Hand clipping: The operation of separating component parts of the article after they have been sewn.

Hand cleaning: The operation of removing excess threads from the article or removing stains or dust.

Size stamping: The operation of stamping the head size mark on the article.

Floor boys (girls): One who carries items of work to and from the various departments.

Examining: The operation of inspecting the article for imperfections during any stage of manufacture.

Sweat band, braid, and strap cutter and measuring: The operation of measuring and cutting bands, straps and ribbons.

Turning: The operation of turning the article inside out or outside in.

Packing: The operation of packing the finished caps into shipping containers, spraying larvex or moth flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support crown of cap.

Shipping and receiving: The operation of unloading and checking stock and preparing containers for shipment.

Waste material sorting: The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

Hand stapling: The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

Drawstring pulling: The operation of slipping a cord or drawstring through part of a cap, hood or helmet.

Basting pulling: The operation of pulling out basting threads.

Porter: The operation of cleaning floors or carrying boxes.

Band and braid fitting: The operation of placing by hand but not sewing on a cap a prepared band or braid.

Wire stiffener inserting: The operation of slipping a wire ring into the cap.

Hand buckling: The operation of slipping a buckle on a strap.

Visor inserting: The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

Pasting: The operation of attaching a label or ticket to a part of hat with paste or glue.

Hand button inserting: The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a threaded neck, and screwing a nut on neck to hold button firm.

Hand hole punching: The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

Wire cuting and ring forming: The operation of cutting a wire to length and joining the ends to form a stiffener ring.

Hand eyeletting: The operation by hand pressure of a machine to attach an eyelet to the article.

Hand snap fastening: The operation by hand pressure of a machine to attach a snap fastener to the article.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after March 2, 1944.

Signed at Washington, D. C., this 2d day of February 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-1838; Filed, February 7, 1944; 11:21 a. m.]

TITLE 43—PUBLIC LANDS; INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 204]

WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 13 N., R. 24 E.,
Sec. 18, N½NE¼, SE¼NE¼, and NE¼SE¼.
T. 12 N., R. 25 E.,
Sec. 2;
Sec. 4, N½ and SE¼;
Secs. 12, 14, 22, and 24;
Sec. 26, N½N½, SE¼SW¼, and SW¼SE¼.
T. 13 N., R. 25 E.,
Secs. 24 and 25.
T. 11 N., R. 26 E.,
Secs. 4 and 10.
T. 12 N., R. 26 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 22, 24, 30, and 32.
T. 13 N., R. 26 E.,
Sec. 14, NW¼NE¼, E½NW¼, and S½S½;
Sec. 28, S½N½ and S½;
Secs. 32, 34, and 36.
T. 12 N., R. 27 E.,
Sec. 4, NE¼SW¼ and S½SE¼.
T. 13 N., R. 27 E.,
Sec. 18, lots 1 to 4, inclusive.

The areas described, including both public and non-public lands, aggregate 17,176.72 acres.

This order shall be subject to the classification as a power site made by the order of June 28, 1929, of the Secretary of the Interior (Power Site Classification No. 234), so far as such order affects lot 1 sec. 18, T. 13 N., R. 27 E.

This order shall take precedence over but not modify (1) the withdrawals for reclamation purposes made by the orders of June 7, 1902, April 20, 1904, and December 22, 1905, of the Secretary of the Interior, and (2) the withdrawal of classification and other purposes made by Executive Order No. 6964 of February 5, 1935, so far as such orders affect any of the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 27, 1944.

[F. R. Doc. 44-1797; Filed, February 7, 1944; 10:09 a. m.]

[Public Land Order 205]

MISSISSIPPI

MODIFYING NOXUBEE NATIONAL WILDLIFE REFUGE AND TRANSFERRING CERTAIN JURISDICTION THEREOVER TO SECRETARY OF INTERIOR

By virtue of the authority vested in the President and contained in section 32, Title III, of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (U.S.C., title 7, secs. 1010–1013), and pursuant to Executive Order No. 9337 of April 24, 1943, and finding that such action will best serve the purposes of the

said Bankhead-Jones Farm Tenant Act, it is ordered as follows:

Subject to valid existing rights and upon the recommendation of the Secretary of Agriculture, all lands and waters acquired by the United States within the following-described area are hereby added to and reserved as a part of the Noxubee National Wildlife Refuge, established by Executive Order No. 8444 of June 14, 1940: *Provided*, That any private lands within the area shall become a part of the refuge upon the acquisition of title thereto or control thereof by the United States:

CHOCTAW MERIDIAN

T. 17 N., R. 13 E.,
Secs. 1, 2, and 3;
Sec. 4, NE¼NE¼ and NW¼NW¼;
Sec. 5, E½NE¼;
Sec. 10, that part north and east of the Longview Road;
Sec. 11, that part east of the Longview Road;
Secs. 12 and 13;
Sec. 14, that part east of the Longview Road and the Louisville-Starkville Road;
Sec. 25, that part lying south of the Parker Slough Road;
Sec. 26, that part of the N½NW¼ lying east of the Louisville-Starkville Road, and that part of the N½S½ lying east of the Louisville-Starkville Road and south of of the Parker Slough Road;
Sec. 36, that part of the E½ lying south of the Parker Slough Road, E½W½, and NW¼NW¼.
T. 18 N., R. 13 E.,
Sec. 25;
Sec. 26, SE¼;
Sec. 28, S½SE¼;
Sec. 32, E½E½;
Secs. 33 to 36, inclusive.
T. 17 N., R. 14 E.,
Sec. 5, N½, SW¼, and N½SE¼;
Secs. 6 and 7;
Sec. 8, W½, W½SE¼, and SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 11, S½;
Sec. 14, W½NW¼;
Sec. 15, E½NE¼;
Secs. 17 and 18;
Sec. 31, that part of the W½ lying south of the Parker Slough Road.
T. 18 N., R. 14 E.,
Sec. 31;
Sec. 32, W½NW¼ and SW¼.
T. 16 N., R. 15 E.,
Sec. 1, lots 17, 18, 23, and 24;
Sec. 2, lots 1, 5, 6, and lots 8 to 24, inclusive;
Sec. 27, SW¼SW¼.
T. 17 N., R. 15 E.,
Sec. 35, W½SE¼.
T. 16 N., R. 16 E.,
Sec. 7, NE¼SW¼ and S½SW¼.

The areas described aggregate approximately 14,970 acres.

The following-described lands are hereby eliminated from the refuge, as established by said Executive Order No. 8444:

CHOCTAW MERIDIAN

T. 15 N., R. 13 E.,
Sec. 1, N½, N½SW¼, and SE¼SW¼;
Sec. 2, E½NE¼;
Sec. 3, NW¼NW¼;
Sec. 4, NW¼;
Sec. 5, NE¼, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 6, that part of the N½N½ lying east of the Louisville-Starkville Road.
T. 16 N., R. 13 E.,
Sec. 11, E½SE¼;
Sec. 12, S½;
Sec. 13;
Sec. 14, E½E½;
Secs. 21 and 22, those parts lying south of the Louisville-Starkville Road;
Sec. 23, E½E½, and those parts of the SW¼ and W½SE¼ lying south and east of the Louisville-Starkville Road;
Secs. 24 and 25;
Secs. 26, 27, and 28, those parts lying south of the Louisville-Starkville Road;
Secs. 29 and 31, those parts lying east of the Louisville-Starkville Road;
Sec. 32, E½, and that part of the W½ lying south of the Louisville-Starkville Road;
Sec. 33;
Sec. 34, N½ and SW¼;
Sec. 35, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 36.
T. 16 N., R. 14 E.,
Sec. 7, S½;
Sec. 8, that part of the S½ lying west of the Louisville-Starkville Road;
Secs. 17 and 18, those parts lying northwest of the Louisville-Starkville Road;
Sec. 19, that part lying northwest of the Louisville-Starkville Road and west of the Bevils Hill-Scattertown Road;
Sec. 30, that part lying west and southwest of the Bevils Hill-Scattertown-Singleton Road;
Sec. 31, that part lying south of the Scattertown-Singleton Road;
Sec. 32, that part lying south and west of the Scattertown-Singleton Road.

The areas described aggregate approximately 11,200 acres.

The jurisdiction over the lands within the Noxubee National Wildlife Refuge vested in the Secretary of Agriculture by said Executive Order No. 8444, is hereby transferred to the Secretary of the Interior.

ABE FORTAS,
Acting Secretary of the Interior.

JANUARY 27, 1944.

[F.R. Doc. 44-1798; Filed, February 7, 1944; 10:10 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—The President's War Relief Control Board

PART 501—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS FOR WAR RELIEF AND WELFARE

REPORTS

Pursuant to the provisions of Executive Order No. 9205 of July 25, 1942, § 501.8 (a) of Title 45 of the Code of Federal Regulations relating to the solicitation and collection of funds and contributions for war relief and welfare is hereby superseded by the following § 501.8 (a).

§ 501.8 *Reports.* (a) All registrants shall submit to the Board not later than the twentieth day of January, April, July and October of each year sworn statements, on forms provided therefor, setting forth the information called for therein, including separate reports for each benefit, relating to the registrant's activities and operations during the immediately preceding quarterly period. Accounts audited by a certified public accountant shall be submitted to the Board semiannually. The information periodically submitted as required herein shall be supplemented by such further information as the Board may deem necessary.

(E.O. 9205, 7 F.R. 5803)

Approved: January 25, 1944.

CHARLES P. TAFT,
Acting Chairman.

[F. R. Doc. 44-1793; Filed, February 7, 1944; 10:17 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Inspection and Navigation Regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Section 55.19-3 (m) is deleted and the following is substituted instead:

§ 55.19-3 *Detail requirements; piping systems;* * * *

(m) Discs, or disc faces, seats, stems and other wearing parts of valves shall be made of material which is noncorrosive under service conditions and which possesses heat-resisting qualities suitable for the temperature to which it is exposed.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

DAVIT

Welin gravity davit, type 135-S (Proposed Arrangement Dwg. No. 2635, dated 16 June, 1943, and Dwg. No. 2647, dated 22 June, 1943) (For a maximum working load of 20,500 pounds per arm), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

LINE-THROWING GUNS

2½" line-throwing gun, Model "S" (Dwg. No. DS-256, dated 6 January, 1944), submitted by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

2½" line-throwing gun, Model "B" Short Barrel (Dwg. No. DS-257, dated 9 January, 1944), submitted by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

SEA ANCHOR

Sea anchor, type 9 (U. S. Coast Guard Dwg. No. MMI-562 and specification, dated 1

November, 1943), submitted by Bowman-Durham-Robbins, Inc., 603-613 Bergen Street, Brooklyn, N. Y.

R. R. WAESCHE,
Commandant.

FEBRUARY 5, 1944.

[F. R. Doc. 44-1790; Filed, February 7, 1944; 9:03 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS

MONTHLY AND QUARTERLY REPORTS OF CLASS I MOTOR CARRIERS OF PASSENGERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of January, A. D. 1944.

The matter of statistical reports of Class I motor carriers of passengers being under consideration: [1]

It is ordered, That the order of April 3, 1943 (§§ 205.11 and 205.21 of Title 49, Code of Federal Regulations), be and it hereby is vacated and set aside effective January 1, 1944, and the following order shall become effective in lieu thereof:

§ 205.11 *Quarterly reports of passenger revenues, expenses and statistics.* Each Class I common and contract motor carrier of passengers subject to the provisions of section 220 of the Interstate Commerce Act shall file, under oath, quarterly reports commencing with the period January 1, 1944, to March 31, 1944 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses and Statistics—Class I Motor Carriers of Passengers form which is hereby approved and made a part of this order.[2] Quarterly reports shall be filed in duplicate in the office of the Bureau of Motor Carriers of the Interstate Commerce Commission within thirty days after the close of the period to which they relate. (Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U.S.C. 320)

§ 205.21 *Monthly reports of revenues, passengers and mileage.* Each Class I common and contract motor carrier of passengers subject to the provisions of section 220 of the Interstate Commerce Act shall file monthly reports commencing with the month of January 1944 in accordance with the Monthly Report of Revenues and Statistics—Class I Motor Carriers of Passengers form which is hereby approved and made a part of this order.[2] Monthly reports shall be filed in duplicate in the office of the Bureau of Motor Carriers of the Interstate Commerce Commission within thirty days after the close of the period to which they relate. (Sec. 220, 49 Stat. 563, sec. 24, 54 Stat. 926; 49 U.S.C. 320)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1848; Filed, February 7, 1944; 11:47 a. m.]

[1] The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] Filed as part of original document.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

WHITE RIVER NATIONAL WILDLIFE REFUGE, ARK.

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the regulations for the Administration of the National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284), the following is hereby ordered:

Section 25.966a *White River National Wildlife Refuge, Arkansas; commercial fishing*, is amended by striking out paragraph (b) *State fishing laws* and inserting in lieu thereof the following:

(b) *State fishing laws.* Any person who fishes commercially within the refuge must comply with the applicable fishing laws and regulations of the State of Arkansas. Picnic seining is not permitted at any time, and the Director of the Fish and Wildlife Service may further restrict the type of gear that may be used for commercial fishing.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 31, 1944.

[F. R. Doc. 44-1742; Filed, February 4, 1944; 2:43 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Stock Driveway Withdrawal 235, California No. 17, Reduced]

CALIFORNIA

STOCK DRIVEWAY WITHDRAWAL

The order of the Assistant Secretary of the Interior of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described land, which is within California Grazing District No. 1:

MOUNT DIABLO MERIDIAN

T. 29 S., R. 37 E., sec. 9, NE¼SW¼.
The area described contains 40 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 29, 1944.

[F. R. Doc. 44-1795; Filed, February 7, 1944; 10:10 a. m.]

[Stock Driveway Withdrawal 270, California No. 21]

CALIFORNIA

STOCK DRIVEWAY WITHDRAWAL

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C. title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U.S.C. title 43, sec. 300), it is ordered as follows:

The following-described public lands in California are hereby classified as necessary and suitable for stock-driveway purposes and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public, the reservation to be known as Stock Driveway Withdrawal No. 270, California No. 21:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 5 E.,
Sec. 13, S½SE¼;
Sec. 24, W½NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 26, SE¼NE¼ and NE¼SE¼.
T. 14 S., R. 6 E.,
Sec. 18, lots 3 and 4, E½SW¼, and SE¼.
The areas described aggregate 842.56 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 29, 1944.

[F. R. Doc. 44-1796; Filed, February 7, 1944; 10:10 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Administrative Order]

LANDS IN STATE OF IDAHO

TRANSFER FROM SOIL CONSERVATION SERVICE TO FOREST SERVICE

By virtue of and pursuant to the authority vested in the Secretary of Agriculture by Title III of the Bankhead-Jones Farm Tenant Act, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, the following described lands within the Southeastern Idaho Project, ID-LU-1, situated within Cassia County, Idaho, comprising approximately 4,497.97 acres within the Minidoka National Forest are hereby transferred from the Soil Conservation Service to the Forest Service for administration, protection, and management under the laws applicable to said lands, and such rules and regulations as have been or hereafter may be promulgated.

BOISE MERIDIAN

T. 15 S., R. 29 E.,
Sec. 26, SE¼SE¼, E½SW¼SE¼;
Sec. 35, NE¼NE¼, E½NW¼NE¼, N½NE¼SW¼NE¼, SE¼NE¼SW¼NE¼, N½SE¼NE¼, NE¼SW¼SE¼NE¼, SE¼SE¼NE¼;
T. 16 S., R. 29 E.,
Sec. 7, S½S½;
Sec. 9, S½, S½N½;
Sec. 11, S½, S½N½;
Sec. 15, 17, 19, 21, 29 inclusive.

MARVIN JONES,
War Food Administrator.
GROVER B. HILL,
Acting Secretary of Agriculture.

FEBRUARY 4, 1944.

[F. R. Doc. 44–1756; Filed, February 5, 1944; 11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE BY VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificate may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Acme Cloth Reel Company, 214 West McBee Avenue, Greenville, South Carolina; cloth reels and cloth winding boards; 2 learners (T); reinforcing ends of cloth reels and pasting lettered labels for a learning period of 240 hours at 35¢ per hour; effective February 7, 1944, expiring August 7, 1944.

Hastings & Company, 819 Filbert Street, Philadelphia, Pennsylvania; gold and silver leaf; 4 learners (T); gold leaf cutter for a learning period of 480 hours at 35¢ per hour; effective February 7, 1944, expiring August 7, 1944.

Iowegian Printing Company, 105–7 Main Street, Centerville, Iowa; printing and publishing; 2 learners (T); printers devil, linotype operator for a learning period of 480 hours at 30 cents per hour; effective February 7, 1944, expiring August 7, 1944.

Puerto Rico Mills, Incorporated, of Puerta de Tierra, Puerto Rico, to employ seventy-seven learners in the Hosiery Industry distributed among the following operations: Legging, final inspection foot inspection, leg inspection, seaming, looping, topping, footing, winding and mending; (a) Legging, seaming, looping, topping, footing and winding at 10 cents an hour for the first 480 hours; 12½ cents an hour for the second 480 hours; 15 cents an hour for the third 480 hours; 18¾ cents an hour for the fourth 480 hours, and 25 cents an hour for every hour thereafter. (b) Final inspection, foot inspection, leg inspection, mending at 12½ cents an hour for the first 480 hours; 18¾ cents an hour for the second 480 hours; and 25 cents an hour for every hour thereafter. For all hours over forty worked in any one workweek, one and one-half times the applicable piece rate or the rate established herein, whichever is the higher, shall be paid. This Special Certificate shall become effective on January 1, 1944 and shall remain in effect for a period not exceeding six months thereafter.

State Publishing Company, Pierre, South Dakota; printing; 1 learner (T); pressman for a learning period of 480 hours at 30 cents per hour; effective January 31, 1944, expiring July 31, 1944.

Signed at New York, New York, this 5th day of February 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44–1836; Filed, February 7, 1944; 11:21 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE BY VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery, Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The Carlisle Garment Company, 44 N. Bedford Street, Carlisle, Pennsylvania; house dresses, house coats, smocks; 5 learners (T); effective February 2, 1944, expiring February 1, 1945.

Dunhill Shirt Company, Lexington, Missouri; Army and civilian shirts; 10 percent (T); effective February 3, 1944, expiring February 2, 1945.

Elder Manufacturing Company, Ste. Genevieve, Missouri; 10 percent (T); boys' shirts, sportswear and pajamas; effective February 5, 1944, expiring February 4, 1945.

J. & B. Sportswear, Flicksville, Pennsylvania; ladies' blouses, sportswear; 10 learners (T); effective February 4, 1944, expiring February 3, 1945.

Marvel Underwear & Pajama Company, 20 Cleveland Avenue, Rutland, Vermont; men's pajamas; 10 learners (T); effective February 4, 1944, expiring February 3, 1945.

Salant & Salant, Inc., Parsons, Tennessee; cotton work pants; 10 percent (T); effective February 11, 1944, expiring April 10, 1944.

Sel-Mor Garment Company, 1136 Washington Street, St. Louis, Missouri; ladies' lingerie and house coats; 10 percent (T); effective February 4, 1944, expiring February 3, 1945.

Snelbaker Manufacturing Company, 17-19 E. Simpson Street, Mechanicsburg, Pennsylvania; work shirts and pants; 10 percent (T); effective February 2, 1944, expiring February 1, 1945.

Snelbaker Manufacturing Company, York Springs, Pennsylvania; work shirts; 10 learners (T); effective February 2, 1944, expiring February 1, 1945.

HOSIERY INDUSTRY

Gray Line Hosiery Company, Chambersburg, Pennsylvania; full-fashioned hosiery; 5 learners (T); effective February 2, 1944, expiring February 1, 1945.

Gray Line Hosiery Company, Street Road, Eddington, Pennsylvania; full-fashioned hosiery; 4 learners (T); effective February 2, 1944, expiring February 1, 1945.

Seneca Knitting Mills, Inc., Bridge and Water Streets, Seneca Falls, New York; seam-

less hosiery; 5 percent (T); effective February 4, 1944, expiring February 3, 1945.

Union Manufacturing Company, Union Point, Georgia; seamless hosiery; 10 percent (AT); effective February 2, 1944, expiring August 1, 1944.

KNITTED WEAR INDUSTRY

Louis Gallet Knitting Mills, Penn-Craft, East Millsboro, Pennsylvania; ladies' sweaters; 5 learners (T); effective February 2, 1944, expiring February 1, 1945.

TEXTILE INDUSTRY

Greenwood Cotton Mill, Greenwood, South Carolina; cotton cloth; 3 percent (T); effective February 2, 1944, expiring February 1, 1945.

Mathews Cotton Mill, Greenwood, South Carolina; cotton spun rayon and acetate woven fabrics; 3 percent (T); effective February 2, 1944, expiring February 1, 1945.

CIGAR INDUSTRY

Florida Cigar Company, East Jefferson Street, Quincy, Florida; cigars; 10 percent (T); cigar packers for a learning period of 320 hours at 75% of the applicable minimum; effective February 4, 1944, expiring February 3, 1945.

Signed at New York, N. Y., this 5th day of February 1944.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 44-1837; Filed, February 7, 1944; 11:21 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-523]

GODFREY L. CABOT, INC., AND CABOT GAS CORP.

ORDER FIXING DATE OF HEARING AND SUSPENDING PROPOSED INCREASED RATES

FEBRUARY 2, 1944.

It appears to the Commission that:

(a) Godfrey L. Cabot, Inc., is engaged in the sale of natural gas to its wholly-owned subsidiary, Cabot Gas Corporation, pursuant to the provisions of Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 thereto. Natural gas so obtained by Cabot Gas Corporation is in turn resold by it to Pavilion Natural Gas Company pursuant to Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1, 3, and 7 thereto.

(b) Cabot Gas Corporation also sells gas at retail in the communities of Hume, Fillmore and Rossburg, New York, in addition to its wholesale sales to Pavilion Natural Gas Company. The latter distributes and sells such gas for ultimate public consumption in Genesee, Livingston and Wyoming Counties, New York.

(c) On January 6, 1944, both Godfrey L. Cabot, Inc., and Cabot Gas Corporation completed the filing of supplemental rate schedules, together with the information required by the amended provisional rules of practice and regulations under the Natural Gas Act, which supplemental rate schedules are designated, respectively, as Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1, providing for increased rates for the sales of natural gas referred to in paragraph (a) above.

(d) In purported justification of the proposed increased rates, Godfrey L. Cabot, Inc., states that the existing rate of Cabot Gas Corporation "was fixed in 1937 when the quantity delivered to Cabot Gas Corporation was more than twelve times the present quantity available for delivery, based upon very large production of gas in the fields in which the Company operates. Increased costs of all items, depletion of wells causing great scarcity of gas and a complete failure of return based on the present price require the increase."

Cabot Gas Corporation, in turn, states that it must have increased rates, because the increased rate proposed by Godfrey L. Cabot, Inc., will cause a corresponding increase in the former's expenses.

(e) By letter of December 16, 1943, Pavilion Natural Gas Company requested that the changes in rates proposed by Cabot Gas Corporation be investigated and that it be permitted to intervene in this matter; on January 24, 1944, the Economic Stabilization Director, by the Price Administrator of the Office of Price Administration, filed a petition to intervene in this matter and requested that a hearing be held and that the proposed increased rates be suspended.

(f) Unless suspended by Commission order, said Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1 will become effective as of February 5, 1944, pursuant to the provisions of the Natural Gas Act and the amended provisional rules of practice and regulations thereunder.

(g) The proposed increased rates provided for in the aforesaid supplemental rate schedule may result in excessive rates to Cabot Gas Corporation and Pavilion Natural Gas Company and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and that such proposed increased rates be suspended pending such hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing on March 7, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the proposed increased rates, subject to the jurisdiction of the Commission, contained in Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 9 to Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 to Cabot Gas Corporation Rate Schedule FPC No. 1, insofar as those schedules provide for increased rates other than for the sale of natural gas for resale for industrial use only, be and they are hereby suspended until July 5, 1944, or until such time thereafter as such increased rates shall be made effective in the manner prescribed by the Natural Gas Act.

(C) During the period of such suspension, the rates of Godfrey L. Cabot, Inc., to Cabot Gas Corporation contained in Godfrey L. Cabot, Inc., Rate Schedule FPC No. 1 and Supplement No. 8 thereto and the rates of Cabot Gas Corporation to Pavilion Natural Gas Company contained in Cabot Gas Corporation Rate Schedule FPC No. 1 and Supplements Nos. 1, 3, and 7 thereto shall remain and continue in full force and effect, except insofar as such schedules may be for the sale of natural gas for resale for industrial use only.

(D) At the hearing in this matter, the burden of proof to show that the proposed increase rates are just and reasonable shall be upon Godfrey L. Cabot, Inc., and Cabot Gas Corporation, as provided in section 4 (e) of the Natural Gas Act.

(E) Interested State commissions may participate in said hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-1753; Filed, February 5, 1944; 9:58 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3015]

BERNDT G. OMMEN

In re: Estate of Berndt G. Ommen, deceased; File D-28-3677; E. T. sec. 6073.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leslie H. Noble, Judge of the County Court of Gage County, Nebraska, Depositary, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Gage;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Jurgen Wallman, Germany.
Gerhard Wallman, Germany.
Almuth Wallman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation

and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $7,172.17 in the hands of the Judge of the County Court of Gage County, Nebraska, for distribution under Decrees of the County Court of Gage County dated May 15, 1943 and November 9, 1943, to Jurgen Wallman in the sum of $2,390.73, Gerhard Wallman in the sum of $2,390.72 and Almuth Wallman in the sum of $2,390.72; also

All right, title, interest, and claim of any kind or character whatsoever of Jurgen Wallman, Gerhard Wallman and Almuth Wallman, and each of them, in and to the estate of Berndt G. Ommen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1810; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3016]

AUGUST BANSLEBEN

In re: Estate of August Bansleben, deceased; File D–28–7981; E. T. sec. 8888.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis M. Schwalb, Freeburg, Illinois, Administrator with the will annexed, acting under the judicial supervision of the Probate Court of St. Clair County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Marta Enseling, Germany.
Berta Unterveg, Germany.
Erna Gunther, Germany.
Gustav Bansleben, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marta Enseling, Berta Unterveg, Erna Gunther and Gustav Bansleben, and each of them, in and to the Estate of August Bansleben, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY.
Alien Property Custodian.

[F. R. Doc. 44–1811; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3017]

MARTIN BAUER

In re: Estate of Martin Bauer, deceased; File D–28–3996; E. T. sec. 7000.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Thomas H. Freet, Administrator c. t. a., acting under the judicial supervision of the Orphans' Court of Perry County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a disignated enemy country, Germany, namely,

Nationals and Last Known Address

Katherina Reimold, Germany.
Ludwig Bauer, Germany.
Fritz Bauer, Germany.
Heindrich Sigmund, Germany.
Heirs of Valentine Sigmund, Germany.
Heirs of Adolf Ihrig, Germany.
Martin Ihrig, Germany.
Rosina Hessemer, Germany.
Heirs of Louise Gerhard, Germany.
Anna Gerhard, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katherina Reimold, Ludwig Bauer, Fritz Bauer, Heindrich Sigmund, Heirs of Valentine Sigmund, Heirs of Adolf Ihrig, Martin Ihrig, Rosina Hessemer, Heirs of Louise Gerhard and Anna Gerhard, and each of them, in and to the estate of Martin Bauer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1812; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3018]

LINA BECHTEL

In re: Petition for the Partition of the Real Estate of Lina Bechtel, late of the Borough of Monaca, Beaver County, Pennsylvania, deceased; File D–66–294; E. T. sec. 2382.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Beaver County Trust Company, 1024 Third Avenue, New Brighton, Pennsylvania, Trustee, acting under the judicial supervision of the Orphans' Court of Beaver County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hermann Bechtel, Germany.
Hans Bechtel, Germany.
Gretchen Schlemmer, Germany.
Charlotte Hose, Germany.
Bertha Hose, Germany.
Heinz Hose, Germany.
Ilse Hose, Germany.
Fritz Hose, Germany.
Fritz Stiebing, Germany.
Karl Stiebing, Germany.
Bertha Reyher, Germany.
Else Nelken, Germany.
Frieda Rottenken, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hermann Bechtel, Hans Bechtel, Gretchen Schlemmer, Charlotte Hose, Bertha Hose, Heinz Hose, Ilse Hose, Fritz Hose, Fritz Stiebing, Karl Stiebing, Bertha Reyher, Else Nelken, and Frieda Rottenken, and each of them, in and to the proceeds of the partition sale of real estate of Lina Bechtel, deceased, deposited with the Beaver County Trust Company, Trustee, under Decree of the Orphans' Court of Beaver County, Pennsylvania, dated July 15, 1942,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1813; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3019]

HANNA BODEN

In re: Estate of Hanna Boden, deceased; File D–28–1817; E. T. sec. 1193.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lena M. Klein, Collinsville, Illinois, Administratrix de bonis non, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Madison;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mrs. Mary Mettenzwei, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Mary Mettenzwei in and to the estate of Hanna Boden, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1814; Filed, February 7, 1944; 11:06 a. m.]

[Vesting Order 3020]

WILLIAM GAEDEKEN

In re: Trust created by order of court in the Estate of William Gaedeken, deceased; File D–28–2183; E. T. sec. 2861.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by W. E. Froude, Trustee, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johann Friedrich Gaedeken, also known as Fritz Gaedeken, Germany.
Children, names unknown, of Johann Friedrich Gaedeken, also known as Fritz Gaedeken, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johann Friedrich Gaedeken, also known as Fritz Gaedeken and children, names unknown, of Johann Friedrich Gaedeken, also known as Fritz Gaedeken, and each of them, in and to the trust created by order of court in the Estate of William Gaedeken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1815; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3021]

JOHN HENNING VS. MARTIN HENNING, ET AL.

In re: Partition Proceedings John Henning vs. Martin Henning, et al.; File D–57–303; E. T. sec. 8068.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leonard F. Fuerst, 254 Court House, Lakeside and Ontario Streets, Cleveland, Ohio, Trustee, acting under the judicial supervision of the Common Pleas Court of Cuyahoga County, Cleveland, Ohio;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Rumania, namely,

Nationals and Last Known Address

Martin Henning, Pauca, Transylvania, Rumania.

George Henning, Pauca, Transylvania, Rumania.

Katherina Molinar, Pauca, Transylvania, Rumania.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martin Henning, George Henning and Katherina Molinar, and each of them, in and to the proceeds derived from the sale of real estate by a decree of the Court of Common Pleas of Cuyahoga County, Ohio, in the partition proceedings entitled "John Henning vs. Martin Henning, et al., Case No. 527,223,"

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1816; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3022]

ANNA HORVATH

In re: Estate of Anna Horvath, deceased; File D–34–553; E. T. sec. 6278.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, acting under the judicial supervision of the Probate Court of the State of Michigan, in and for the County of Wayne;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Mrs. Margaret Horvath Reinek (Mrs. Margit Gyorvari), Hungary.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of four dollars and ninety-five cents ($4.95) which is in the possession and custody of Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, pursuant to an order of the Probate Court for the County of Wayne, Michigan, entered on May 1, 1941, in the matter of the estate of Anna Horvath, deceased; also, all right, title, interest and claim of any kind or character whatsoever of Mrs. Margaret Horvath Reinek (Mrs. Margit Gyorvari) in and to the estate of Anna Horvath, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1817; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3023]

HANGO IWAGOSHI

In re: Estate of Hango Iwagoshi, deceased; File D–39–17357; E. T. sec. 9247; H–78.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Fusae Iwagoshi, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fusae Iwagoshi in and to the Estate of Hango Iwagoshi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1818; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3024]

KOH IWAKAMI

In re: Estate of Koh Iwakami, deceased; File F–39–1434; E. T. sec. 9474.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Masaji Marumoto, Administrator, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Yaeko Iwakami, Japan.
Junko Iwakami, Japan.
Kotaro Iwakami, Japan.
Yoshiko (Toshiko) Iwakami, Japan.
Taiji Iwakami, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Yaeko Iwakami, Junko Iwakami, Kotaro Iwakami, Yoshiko (Toshiko) Iwakami and Taiji Iwakami, and each of them, in and to the Estate of Koh Iwakami, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1819; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3025]

ANNA KUHN

In re: Estate of Anna Kuhn, deceased; File No. D–28–7454; E. T. sec. 7695.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert R. Troyer, County Judge of Douglas County, Nebraska, Court House, Omaha 2, Nebraska, Depositary, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Estate of Louise Aigner, deceased, her heirs, executors, administrators, assigns, devisees and legatees, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $465.55 which is in the process of administration by, and is in the possession and custody of Robert R. Troyer, County Judge of Douglas County, Nebraska, depositary, pursuant to order entered April 21, 1942, by the County Court of Douglas County, Nebraska, in the matter of the estate of Anna Kuhn, deceased, Case No. 27999, Book 59, Page 379; also all right, title, interest and claim of any kind or character whatsoever of the estate of Louise Aigner, deceased, her heirs, executors, administrators, assigns, devisees and legatees, and each of them, in and to the estate of Anna Kuhn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1820; Filed, February 7, 1944; 11:07 a. m.]

[Vesting Order 3026]

JOHN LADANYI

In re: Estate of John Ladanyi, deceased; File D–34–555; E. T. sec. 6279.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Jacob P. Sumeracki, Wayne County Treasurer, Detroit, Michigan, Depositary, acting under the judicial supervision of the Probate Court of the State of Michigan, in and for the County of Wayne;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Gyula (Julius) Ladanyi, Hungary.
Mrs. Janos (John) Raczkovy, Hungary.
Jozsef (Joseph) Ladanyi, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $3,064.08 which is in the possession and custody of the County Treasurer of Wayne County, Michigan, Depositary, pursuant to an order of the Probate Court for the County of Wayne, Michigan, entered on April 28, 1942, in the matter of the estate of John Ladanyi, deceased; also, all right, title, interest and claim of any kind or character whatsoever of Gyula (Julius) Ladanyi, Mrs. Janos (John) Raczkovy and Jozsef (Joseph) Ladanyi, and each of them, in and to the estate of John Ladanyi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1821; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3027]

ROSE ROTH MAY

In re: Estate of Rose Roth May, deceased; File F–28–4714; E. T. sec. 8952; H–18.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Hawaiian Trust Company, Ltd., Executor, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Enid Rose May Poszich or her issue, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Enid Rose May Poszich or her issue, and each of them, in and to the Estate of Rose Roth May, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1822; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3028]

FUJIO, LESLIE T., AND ASAKI MURANAKA

In re: Guardianship Estate of Fujio Muranaka, Leslie T. Muranaka and Asaki Muranaka, minors; File D–66–1444; E. T. sec. 9248; H–101.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John D. Texeira, Guardian of the estate of Fujio Muranaka, Leslie T. Muranaka and Asaki Muranaka, Minors, acting under the judicial supervision of the Circuit Court of the Fifth Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Fujio Muranaka, Japan.
Leslie T. Muranaka, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fujio Muranaka and Leslie T. Muranaka, and each of them, in and to the Guardianship Estate of Fujio Muranaka, Leslie T. Muranaka and Asaki Muranaka, Minors, in the possession of John D. Texeira, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file, with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1823; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3029]

HENRY SCHROEDER

In re: Estate of Henry Schroeder, deceased; File D–28–3961; E. T. sec. 6846.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by A. P. Baumann, 11 East Main Street, Chilton, Wisconsin, Administrator with Will Annexed, acting under the judicial supervision of the Calumet County Court, State of Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ernst Schroeder, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ernst Schroeder, in and to the estate of Henry Schroeder, deceased; also,

Real estate consisting of the decedent's homestead described as:

Lot nine (9) of Ostenfeldt's second addition, Block 4, S. W. ¼, S. E. ¼ of section 10, Township seventeen (17), North Range (20), East of City of New Holstein, County of Calumet, Wisconsin; together with all the fixtures, improvements and the appurtenances thereto,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1824; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3030]

SOPHIE E. SCHROEDER

In re: Estate of Sophie E. Schroeder, deceased; File D–19–30; E. T. sec. 429.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First Bank and Trust Company, 800 Washington Avenue, Cairo, Illinois, Executor, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Pulaski;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Christine Krieger, Germany.
Andreas Schroeder, Germany.
Margarethe J. Wilhemi, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Christine Krieger, Andreas Schroeder and Margarethe J. Wilhemi, and each of them, in and to the estate of Sophie E. Schroeder, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 27, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1825; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3033]

MAX GABLER

In re: Estate of Max Gabler, deceased; File D–28–2184; E. T. sec. 2862.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank in Oshkosh, 130 Main Street, Oshkosh, Wisconsin, Executor, acting under the judicial supervision of the County Court of Winnebago County, Oshkosh, Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Kramer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Kramer, in and to the estate of Max Gabler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in

the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1826; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3034]

BABETTE ORTH

In re: Estate of Babette Orth, deceased; File D–28–3870; E. T. sec. 6612.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George J. Wyers, 818 Olive Street, St. Louis, Missouri, Administrator, acting under the judicial supervision of the Probate Court of the State of Missouri, in and for the City of St. Louis;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franz Kachel, Germany.
Alfred Kachel, Germany.
Ernst Leininger, Germany.
Auguste L. Feineis, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Franz Kachel, Alfred Kachel, Ernst Leininger and Auguste L. Feineis, and each of them, in and to the estate of Babette Orth, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian, a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1827; Filed, February 7, 1944; 11:08 a. m.]

[Vesting Order 3035]

PHILIP SCHUSTER

In re: Estate of Philip Schuster, deceased; File D–57–272; E. T. sec. 7045.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Raymond Schuster and Betty Schaffer, as Executors, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Roumania, namely,

Nationals and Last Known Address

Yankel Schuster, Bessarabia.
Schmuel Schuster, Bessarabia.

And determining that—

(3) Yankel Schuster and Schmuel Schuster, citizens or subjects of a designated enemy country, Roumania, and within an enemy-occupied area, Bessarabia, are nationals of a designated enemy country, Roumania;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Yankel Schuster and Schmuel Schuster, and each of them, in and to the estate of Philip Schuster, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1828; Filed, February 7, 1944; 11:09 a. m.]

[Vesting Order 3036]

ROSENBERG LIBRARY ASSN. ET AL.

In re: Partition proceedings: Rosenberg Library Association, et al., vs. The Sealy & Smith Foundation for the John Sealy Hospital, et al.; File D–28–6653; E. T. sec. 4882.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Clerk of the District Court, Galveston County, Texas, for the Tenth Judicial District, Depositary, acting under the judicial supervision of the District Court of Galveston County, Texas, for the Tenth Judicial District;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Freda Kauffman, Germany.
Johannes Tidemann, Germany.
Herman Wilhelm Runge, and Johanna Runge, Germany.
Person or persons, names unknown, heirs and assigns of Freda Kauffman, Johannes Tidemann, Herman Wilhelm Runge and Johanna Runge, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Freda Kauffman, her heirs and assigns, Johannes Tidemann, his heirs and assigns, Herman Wilhelm Runge and Johanna Runge, their heirs and assigns, and each of them, in and to the proceeds derived from the sale of the real estate involved in partition proceedings entitled "Rosenberg Library Association, et al, vs. The Sealy & Smith Foundation for the John Sealy Hospital, et al", being Cause No. 60,368, pending in the District Court of Galveston County, Texas, for the Tenth Judicial District,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1829; Filed, February 7, 1944; 11:09 a. m.]

[Vesting Order 3037]

BRUNO SCHYBILSKY

In re: Estate of Bruno Schybilsky, also known as George Schmidt, deceased; File D–55–544; E. T. sec. 6433.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Kate Eisemann, as Administratrix, acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hannah Morris, Germany.
Stephanie Schybilsky, Germany.

And determining that—

(3) If such national are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hannah Morris and Stephanie Schybilsky, and each of them, in and to the estate of Bruno Schybilsky, also known as George Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 28, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44–1830; Filed, February 7, 1944; 11:09 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 166]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DETROIT AND HOWELL, MICH.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Interstate Motor Freight System, Grand Rapids, Michigan, and W. Ford Johnson, doing business as W. Ford Johnson Cartage, Howell, Michigan, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute

[1] Filed as part of the original document.

such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 166," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1805; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 167]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW JERSEY, NEW YORK, AND PENNSYLVANIA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Needham's Motor Service, Inc., Philadelphia, Pennsylvania, and Paul S. Whitescarver, doing business as Whitescarver Transportation, Newark, New Jersey, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or peformed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-167," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed. or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-1806; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 168]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SAN ANTONIO AND EL PASO, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by English Freight Company, a corporation, Dallas, Texas, and Alamo Freight Lines, Inc., San Antonio, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582, 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth and changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations

[1] Filed as part of the original document.

governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provisions of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–168," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1807; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 169]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW YORK

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Albert P. Schmidt and Joseph C. Schmidt, doing business as Schmidt Trucking Co., Blue Point, New York, and Reich Brothers Long Island Motor Freight, Inc., Patchogue, New York, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached heerto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–169," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1808; Filed, February 7, 1944; 10:51 a. m.]

[Supp. Order ODT 3, Rev. 170]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Alamo Freight Lines, Inc., San Antonio, Texas, and Red Arrow Freight Lines, Inc., Houston, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, op-

[1] Filed as part of the original document.

erations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–170," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–1809; Filed, February 7, 1944; 10:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Exception Order 10 Under Rev. RO 13]

UNITED STATES ARMY

SURRENDER OF POINTS IN FOOD PURCHASES

Administrative Exception Order No. 10 under Revised Ration Order 13. Processed foods. The United States Army, purchasing on its own behalf and as purchasing agent for other Government agencies.

Since March 1, 1943 the Army, in procuring processed foods under Food Distribution Order 22–4 for its own account has been surrendering points for such processed foods computed at the point value existing at the time of delivery. Revised Ration Order 13 requires points to be surrendered on the basis of point values existing at the time of transfer.

The Army is anxious to revise its method of computing the number of points to be surrendered so that, for processed foods acquired after January 9, 1944, it will surrender points equal to the point value existing at the time of transfer. To liquidate outstanding indebtednesses for points for processed foods purchased prior to January 10, 1944, the three central Quartermaster Depots of the Army Service Forces advised all suppliers of processed foods holding contracts entered into by the Army, that such suppliers were to send point invoices to the agency holding the contract for the foods, for unshipped balances of processed foods, purchased by the Army for its own account or for the account of the agencies for which the Army acts as procurement agency for processed foods under FDO 22–4. The instruction told the suppliers to compute the point values for such unshipped balance of processed foods at the point values existing on January 10, 1944. The Army has now requested the issuance of an Administrative Exception Order to authorize that procedure.

To require the Army to adjust its point payments so as to surrender additional points in those cases where the point value was higher at the time of transfer than at the time of delivery; and to require the Army to collect points from transferors in those cases where the point value was higher at the time of delivery than at the time of transfer, would involve the review of the numerous contracts entered into by the Army between March 1, 1943 and January 9, 1944, inclusive.

The Army has already advised the suppliers that points will be paid for processed foods purchased prior to January 10, 1944, but undelivered on that date, at the point value existing on January 10, 1944. Since the information has already been disseminated, and since suppliers have begun to send the required point invoices to the agencies holding the contracts entered into on their behalf by the Army, it would create confusion to recall the Army's instruction. For this reason the Office of Price Administration is willing to permit the Army to operate under the instruction it has issued, and thus relieve it of the need to review the numerous contracts entered into between March 1, 1943 and January 9, 1944, inclusive, which would be the only method of bringing its past practices into conformity with the requirements of the order with respect to point payments for processed foods acquired prior to January 10, 1944. Further, an Administrative Exception Order is necessary to permit transferors in these cases to accept point payment for processed foods on a basis different from that required by Revised Ration Order 13.

Authorizing the procedure described herein will not defeat or impair the effectiveness or policy of Revised Ration Order 13, since it will enable the Army to bring its practices into conformity with the provisions of the order without requiring the burdensome review of past contracts.

It is hereby ordered, That the Army, and the other agencies for which the Army acted as procurement agency for processed foods under FDO 22–4, may pay, and the transferors may accept, points for processed foods transferred prior to January 10, 1944, and undelivered by that date, at the point value assigned to the processed foods on January 10, 1944. For all processed foods purchased by the Army after January 9, 1944, the Army and the agencies for which the Army acts as procurement agency will be required to surrender points computed at the point value existing at the time of transfer as required by section 9.5 (b) of Revised Ration Order 13.

This order shall become effective February 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562, Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 5th day of February 1944.

COLONEL BRYAN HOUSTON,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 44–1779; Filed, February 5, 1944; 12:09 p. m.]

[Rev. Order A–3 Under MPR 188]

CLAY SILO STAVES, ETC.

ADJUSTMENT OF MAXIMUM PRICES

Revised Order No. A–3 under § 1499.-159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Applications for absorbable adjustment of maximum prices for manufacturers of particular articles under Maximum Price Regulation No. 188.

Order No. A–3 is revised and amended to read as follows:

An opinion accompanying this Revised Order No. A–3 under § 1499.159b of Maxi-

mum Price Regulation No. 188 has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the purpose of removing price impediments to supply, the Office of Price Administration, Washington, D. C., may adjust maximum prices for particular articles established under Maximum Price Regulation No. 188 as hereinafter provided. Applications for adjustment may be made by the seller or the buyer, and shall be filed in accordance with Revised Procedural Regulation No. 1.

The provisions of this order apply only to producers of the articles listed below, under the circumstances and to the extent specified.

(a) *Who may apply.* An application for adjustment will be entertained in the case of any manufacturer of any of the commodities listed below if:

(1) His operating position and his ceiling price or prices for the article are such that he would qualify for relief under (b) below; and

(2) An increase in his ceiling price will not threaten established ceiling prices at retail, because either:

(i) The article is not sold to household consumers but is used in the supply of a commercial, recreational or professional service, and is an inconsequential cost factor that can readily be absorbed by the purchaser without an increase in the price of that service, or

(ii) The article is sold to a very small number of purchasers (who are purchasers for resale and not ultimate consumers, and one of whom accounts for at least one-third of the manufacturer's entire output of the article), and the purchasers are ready to absorb the adjustment requested in the manufacturer's price without either changing their own resale price or prices for the article (if their selling prices are less than their maximum prices) or using the adjustment as a basis for increasing their maximum prices. Letters from them to this effect must accompany the application.

(b) *Amount of adjustment.* Any adjustment granted under this order will not exceed the following:

(1) If the manufacturer's entire operation is profitable, an amount sufficient to cover the unit manufacturing cost plus packing cost, and shipping cost where delivered prices are quoted or freight is allowed or equalized;

(2) If the manufacturer's entire operation is being conducted at a loss (or will be so within 30 days), an amount sufficient to cover his total unit cost to make and sell the article.

If the article is sold to purchasers for resale any adjustment granted under (1) or (2) above will in no event exceed the amount the customers have agreed to absorb.

(c) *Limitations on purchasers for resale.* The amount of the increase granted to a manufacturer under this provision shall not hereafter be considered by the customer in calculating his maximum price for the article when resold by him; nor will any petition or application for amendment, adjustment, exception or other relief made by any wholesaler or retailer of the article be entertained by the Office of Price Administration to the extent that such petition or application is based, directly or indirectly, upon the increase in price granted to the manufacturer under this provision.

(d) *Definitions.* The term "unit manufacturing cost" means the total of direct materials, direct labor, and manufacturing expenses or factory overhead, applicable to each unit of the article.

The term "total unit cost" means the total of unit manufacturing cost and reasonable general, administrative, and selling expenses applicable to the article, excluding income and excess profits taxes.

Depreciation included in cost shall be at rates which do not exceed those approved by the Bureau of Internal Revenue. Expenses not related to the manufacture and sale of the article will be excluded.

(e) *Articles covered.* This Revised Order No. A–3 applies only to the following commodities:

(1) *Building materials:*

Clay silo staves.

(2) *Consumers' goods:*

Dental supplies.
Household furniture (as defined in Order No. 1052 under Maximum Price Regulation No. 188).
Optical supplies.
Freehand blown glassware.
Insecticide dusters and sprayers.
Combs for personal use.
Embossed wood top cork closures.
Gas mantle rings.
Scientific glass apparatus.

This Revised Order No. A–3 shall become effective February 7, 1944.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–1778; Filed, February 5, 1944; 12:09 p. m.]

Regional and District Office Orders.

[Region VII Order G–1 Under GMPR, Amdt. 3]

FLUID MILK IN DESIGNATED AREAS OF IDAHO

Order No. G–1 Under § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation, Amendment No. 3. Order modifying maximum wholesale and retail prices for fluid milk in certain areas in the State of Idaho.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 3 is issued.

1. The title of the original order issued herein on November 25, 1942, is amended to read as follows: "Order No. G–1 Under § 1499.75 (a) (2) (ii) of the General Maximum Price Regulation."

2. Paragraph (1) (a) is amended to make all that part thereof prior to the colon after the word "Ordinance" in the fourth line thereof read as follows:

(a) Grade A milk, when sold and delivered under Municipal Regulation, which by ordinance incorporates therein all of the material and substantial terms and provisions of the police regulation commonly referred to as "Standard Milk Ordinance", and Grade A milk, when sold and delivered by a producer having a Grade A producer's certificate or license duly issued by the Public Health Department of the State of Idaho, in accordance with the law of that State regulating the production and sale of Grade A milk:

3. *Effective date.* This Amendment No. 3 shall become effective on January 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 28th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44–1739; Filed, February 4, 1944; 12:43 p. m.]

[Region VIII Order G–4 Under MPR 376]

FRESH TOMATOES IN SAN FRANCISCO REGION

Order No. G–4 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables (fresh tomatoes).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, it is hereby ordered:

(a) *Carlot sales.* The maximum price for sales of fresh tomatoes other than hothouse tomatoes at any wholesale receiving point located in Region VIII in carlot or trucklot quantities shall be as follows:

(1) *Mexican tomatoes.* (i) When packed in standard Los Angeles crates having a minimum net weight of thirty-two pounds: $3.75 per crate f. o. b. Mexican shipping point, plus $.015 per pound import duty, plus $.05 per crate crossing charge, plus "freight" from the point of shipment in the Republic of Mexico to the wholesale receiving point.

(ii) When packed in any other manner: $.14 per pound, calculated f. o. b. Nogales, Arizona, plus "freight" from Nogales, Arizona, to the wholesale receiving point.

(2) *All other tomatoes (except hothouse).* (i) When packed in any type of container: $.15 per pound, calculated f. o. b. Nogales, Arizona, plus "freight" from Nogales, Arizona, to the wholesale receiving point.

(b) *Less than carlot sales.* The maximum price for sales of fresh tomatoes at any wholesale receiving point located in Region VIII in less than carlot or less than trucklot quantities shall be as follows:

(1) *Ex-track sales.* For sales by any carlot receiver selling "ex-track" or "ex-truck": the price as specified in paragraph (a) above, plus, $0.25 per crate in the case of Mexican tomatoes packed in standard Los Angeles crates with a minimum net weight of thirty-two pounds per crate, and 5/16¢ per pound in the case of any other tomatoes.

(2) *Repacked Mexican tomatoes.* For sales to any person, including a retailer: the price as specified in paragraph (a) above, reduced to a per pound basis by dividing the maximum delivered price per crate by thirty-two, where tomatoes are purchased on a per crate basis with a minimum net weight of thirty-two pounds, plus the following maximum mark-ups:

Area:	*Maximum mark-up per pound*
Southern California Area	$0.03
Northern California Area	.04
Nevada and Arizona	.04
Oregon	.05
Washington and Northern Idaho	.05

(3) *All other sales.* For sales other than Mexican "repacked" tomatoes to any person, including a retailer, except as provided in paragraph (b) (1) above: the applicable maximum price as specified in paragraph (a) above, plus $.02 per pound.

(c) Each District Office shall determine the cheapest method of transportation which is customary and generally available from the basing point into each wholesale receiving point and shall compute the freight to be used for each wholesale receiving point within its jurisdiction.

(d) *Definitions.* (1) "Mexican tomatoes" means any tomatoes produced in the Republic of Mexico.

(2) "Ex-track" or "ex-truck" means sales direct from a railroad car or truck, without having been received in a warehouse.

(3) "Repacked" means tomatoes which have been removed from the original container and graded as to color, size and uniform degree of maturity, and repacked in any container.

(4) "Freight" shall include the cost of refrigeration and the lowest available freight by common or contract carrier, as the case may be.

(5) "Carlot receiver" or "trucklot receiver" means a person who for his own account and profit buys the listed commodity being priced in unbroken carlots or unbroken trucklots for resale, in less-than-carlots or less-than-trucklots, to persons other than ultimate consumers. For sales of particular goods in unbroken carlots or trucklots, the seller shall not be considered a carlot receiver.

(6) "South California Area" means that portion of the state of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

(7) "Northern California Area" means that portion of the state of California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

(8) "Northern Idaho" means the following counties in the state of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(9) "Region VIII" means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying north of the Colorado River; and the following counties in the state of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of February 1944.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 44-1740; Filed, February 4, 1944; 12:16 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 2, 1944.

REGION III

Cleveland, Order No. F-1, Amendment No. 12, filed 9:39 a. m.
Cleveland, Order No. F-5, Amendment No. 4, filed 9:40 a. m.
Detroit, Order No. 10, filed 9:46 a. m.
Escanaba, Order No. 1-F, Amendment No. 14, filed 9:40 a. m.
Escanaba, Order No. 2-F, Amendment No. 13, filed 9:40 a. m.
Escanaba, Order No. 3-F, Amendment No. 13, filed 9:40 a. m.
Escanaba, Order No. 4-F, Amendment No. 13, filed 9:41 a. m.
Escanaba, Order No. 5-F, Amendment No. 13, filed 9:41 a. m.
Escanaba, Order No. 6-F, Amendment No. 12, filed 9:41 a. m.
Escanaba, Order No. 7-F, Amendment No. 12, filed 9:44 a. m.
Escanaba, Order No. 8-F, Amendment No. 12, filed 9:44 a. m.

REGION IV

Memphis, Order No. 4-F, Amendment No. 18, filed 9:39 a. m.
Nashville, Order No. 5-F, Amendment No. 3, filed 9:44 a. m.
Nashville, Order No. 6-F, Amendment No. 2, filed 9:45 a. m.
Nashville, Order No. 7-F, Amendment No. 2, filed 9:44 a. m.
Nashville Order No. 12, filed 9:46 a. m.
Savannah, Order No. 1-F, Amendment No. 20, filed 9:50 a. m.
Savannah, Order No. 2-F, Amendment No. 15, filed 9:50 a. m.
Savannah, Order No. 3-F, Amendment No. 13, filed 9:49 a. m.
Savannah, Order No. 4-F, Amendment No. 12, filed 9:50 a. m.

REGION VI

Des Moines, Order No. 1-F, filed 9:41 a. m.

REGION VIII

Los Angeles, Los Angeles-5, Amendment No. 6, filed 9:47 a. m.
Los Angeles, Los Angeles-6, Amendment No. 6, filed 9:48 a. m.
Los Angeles, Los Angeles-7, Amendment No. 6, filed 9:48 a. m.
Los Angeles, Los Angeles-8, Amendment No. 6, filed 9:48 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1750; Filed, February 4, 1944; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 3, 1944.

REGION I

Augusta, Order No. 11, filed 4:00 p. m.
Augusta, Order No. 12, filed 4:01 p. m.
Augusta, Order No. 13, filed 4:01 p. m.
Augusta, Order No. 14, filed 4:02 p. m.
Augusta, Order No. 15, filed 4:02 p. m.
Augusta, Order No. 16, filed 4:03 p. m.
Augusta, Order No. 17, filed 4:03 p. m.
Augusta, Order No. 18, filed 4:04 p. m.
Providence, Order No. 5, Amendment No. 5, filed 4:04 p. m.

REGION II

Philadelphia, Order No. P-1, filed 4:06 p. m.
Syracuse, Order No. P-1, filed 3:54 p. m.

REGION III

Charleston, Order No. 1-F, Amendment No. 7, filed 3:55 p. m.
Charleston, Order No. 2-F, Amendment No. 5, filed 3:55 p. m.
Charleston, Order No. 3-F, Amendment No. 4, filed 3:55 p. m.
Charleston, Order No. 4-F, Amendment No. 1, filed 3:56 p. m.
Charleston, Order No. 27, Amendment No. 1, filed 3:58 p. m.
Cincinnati, Order No. 1-P, filed 4:06 p. m.
Cincinnati, Order No. 1-F, Amendment No. 14, filed 3:56 p. m.
Cincinnati, Order No. 2-F, Amendment No. 7, filed 3:57 p. m.
Cincinnati, Order No. 2-F, Amendment No. 8, filed 4:08 p. m.
Cincinnati, Order No. 3-F, Amendment No. 1, filed 4:07 p. m.

REGION IV

Birmingham, Order No. 1-F, Amendment No. 2, filed 4:09 p. m.
Jacksonville, Order No. 2-F, Amendment No. 8, filed 3:57 p. m.
Memphis, Order No. 5-F, filed 4:08 p. m.

REGION V

Dallas, Order No. 10, Amendment No. 1, filed 4:04 p. m.
Houston, Order No. 2-F, Amendment No. 1, filed 4:05 p. m.
Oklahoma City, Order No. 3-F, Amendment No. 2, filed 4:09 p. m.
Shreveport, Order No. 1-F, Amendment No. 1, filed 4:08 p. m.
Shreveport, Order No. 2-F, Amendment No. 2, filed 4:09 p. m.

REGION VI

Omaha, Order No. 1–F, Amendment No. 1, filed 3:57 p. m.
Omaha, Order No. 1–F, Amendment No. 2, filed 3:58 p. m.
Omaha, Order No. 2–F, filed 3:58 p. m.

REGION VIII

Fresno, Order No. 7, Amendment No. 4, filed 4:00 p. m.
Fresno, Order No. 8, Amendment No. 5, filed 4:00 p. m.
San Diego, Order No. 1–F, Amendment No. 19, filed 3:54 p. m.
Seattle, Order No. 1–F, filed 4:05 p. m.
Seattle, Order No. 1–F, Amendment No. 1, filed 4:06 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1751; Filed, February 4, 1944; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 4, 1944.

REGION III

Louisville, Order No. 1–F, Amendment 15, filed 10:46 a. m.
Louisville, Order No. 2–F, Amendment 9, filed 10:46 a. m.
Louisville, Order No. 3–F, Amendment 2, filed 10:46 a. m.
Saginaw, Order No. 1–W, Amendment 1, filed 10:28 a. m.
Saginaw, Order No. 17, Amendment 1, filed 10:28 a. m.
Saginaw, Order No. 18, Amendment 1, filed 10:28 a. m.

REGION IV

Jackson, Order No. 1–F, Amendment 21, filed 10:44 a. m.

REGION V

New Orleans, Order No. 1–F, Amendment 1, filed 10:30 a. m.
Dallas, Order No. 2–F, Amendment 1, filed 10:30 a. m.

REGION VI

Chicago, Order No. 1–F, filed 10:24 a. m.
Duluth-Superior, Order No. 2–F, filed 10:24 a. m.
Fargo-Moorehead, Order No. 1–F, filed 10:25 a. m.
Fargo-Moorehead, Order No. 2–F, filed 10:25 a. m.
Fargo-Moorehead, Order No. 3–F, filed 10:25 a. m.
Peoria, Order No. 11, filed 10:24 a. m.
Sioux Falls, Order No. 1–F, filed 10:25 a. m.
Springfield, Order No. 1–F, filed 10:44 a. m.
Springfield, Order No. 2–F, filed 10:30 a. m.
Springfield, Order No. 23, filed 10:46 a. m.
Twin Cities, Order No. 2–F, filed 10:29 a. m.

REGION VIII

Fresno, Order No. 1–F, Amendment 2, filed 10:44 a. m.
Los Angeles, Los Angeles–5, Amendment 7, filed 10:27 a. m.
Los Angeles, Los Angeles–5, Amendment 8, filed 10:26 a. m.
Los Angeles, Los Angeles–6, Amendment 7, filed 10:27 a. m.
Los Angeles, Los Angeles–7, Amendment 8, filed 10:28 a. m.
Los Angeles, Los Angeles–7, Amendment 7, filed 10:28 a. m.
Los Angeles, Los Angeles–8, Amendment 7, filed 10:28 a. m.
Los Angeles, Los Angeles–8, Amendment 8, filed 10:27 a. m.
Los Angeles, Los Angeles–6, Amendment 8, filed 10:26 a. m.
Seattle, Order No. 3–F, Amendment 1, filed 10:26 a. m.
Seattle, Order No. 4–F, Amendment 1, filed 10:26 a. m.
Seattle, Order No. 5–F, Amendment 1, filed 10:26 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–1780; Filed, February 5, 1944; 12:02 p. m.]

[Region VII Order G–6 Under RMPR 122, Amdt. 2]

BITUMINOUS COAL IN JACKSON, WYO., AREA

Order No. G–6 Under Revised Maximum Price Regulation No. 122, Amendment No. 2. Solid fuels sold and delivered by dealers. Specific maximum prices for bituminous coal sold and delivered by dealers in the Jackson Area of the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Subparagraphs (1), (2), and (3) of paragraph (b) are amended by adding 20¢ to each of the per-ton prices set forth therein.

2. Paragraph (e) is hereby revoked as of the effective date of this Amendment No. 2.

3. Paragraphs (f) and (g) are hereby redesignated (j) and (k), respectively, and five new paragraphs designated (e), (f), (g), (h), and (i), respectively, are added to read as follows:

(e) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(f) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(g) *Special service charges.* If in connection with a sale and delivery of coal made by you in the area covered hereby you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

(1) Special service charges:

	Per ton	Per half ton
"Wheel-in" or "Carry-in"	$0.60	$0.35
"Pull-back" or "Trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
"Oil or chemical treatment"	.25	.15

(2) "Wheel-in" or "carry-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space, when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(3) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such "pull-back" or "trimming" shall apply only to the amount of coal so rehandled.

(4) "Carrying up or down stairs" means, generally, the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(5) "Delivered" means placed in the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck.

(h) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the area within which the seller has heretofore customarily made free delivery, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

3. *Effective date.* This Amendment No. 2 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 2 shall become effective on the 7th day of January, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1781; Filed, February 5, 1944; 12:02 p. m.]

[Colorado Order G-1 Under 3 (b) (2)]

DENVER TENT AND AWNING CO.

ORDER ESTABLISHING MAXIMUM PRICES

Order No. G-1 issued under § 1499.3 (b) (2) of the General Maximum Price Regulation. Order establishing maximum prices for HandyKarry Shopping Bag to be manufactured by The Denver Tent and Awning Co., Denver, Colorado.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the District Director by General Order No. 32, as amended, and Region VII Delegation Order No. 12, under § 1499.3 (b) (2) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum price for HandyKarry Shopping Bags on sales by The Denver Tent and Awning Co. to Frank S. Jeffries and Lotta Lee Jeffries.* The maximum price to be charged by The Denver Tent and Awning Co., whose address is 1647 Arapahoe Street, Denver, Colorado, and whose establishment is at that address, for HandyKarry Shopping Bags, on sales by said The Denver Tent and Awning Co., to Frank S. Jeffries and Lotta Lee Jeffries, doing business as HandyKarry Shopping Bag Company, whose address is 1326 Ogden Street, Denver, Colorado, shall, from and after the effective date of this order, be 61½¢ per bag. And the application of said The Denver Tent and Awning Co., which has been filed with this office, asking for approval of that price, is approved.

(b) *Maximum price for HandyKarry Shopping Bags on sales at wholesale by Frank S. Jeffries and Lotta Lee Jeffries, and subsequent sellers.* The maximum price to be charged by said Frank S. Jeffries and Lotta Lee Jeffries, doing business as HandyKarry Shopping Bag Company, and by subsequent sellers, for HandyKarry Shopping Bags, on sales at wholesale by them, shall, from and after the effective date of this order, be $1.25 per bag.

(c) *Maximum price for HandyKarry Shopping Bags on sales at retail.* The maximum price for HandyKarry Shopping Bags, on sales at retail by any person, shall, from and after the effective date of this order, be $1.95 per bag.

(d) *Description of HandyKarry Shopping Bags.* The phrase "HandyKarry Shopping Bags," as used in this order, means a bag made according to a design claimed to have been originated by said Frank S. Jeffries and Lotta Lee Jeffries, or one of them, made of light weight single filling 10-oz. duck, approximately 18 inches wide by 20 inches deep, and having a shoulder strap of the same material for use in carrying the bag as a shoulder bag, and having, in addition, two hand carrying straps of the same material, and having on the front of the bag a pocket of the same material approximately 8 inches by 9 inches in size.

(e) *Notification of maximum prices.* Each person who shall sell HandyKarry Shopping Bags to any purchaser who buys them for resale shall, at the time of or prior to the first delivery of HandyKarry Shopping Bags to such purchaser, notify such purchaser of the wholesale and retail maximum prices which are set out in subdivisions (b) and (c) of this order.

(f) *Coverage by General Maximum Price Regulation.* In all particulars which are not specifically covered or which are excepted by this order, all sellers of HandyKarry Shopping Bags shall be subject to the provisions of the General Maximum Price Regulation with respect to the sales of HandyKarry Shopping Bags.

(g) *Modification and adjustment.* This order may be revoked, amended, or corrected at any time, and any maximum price determined under this order shall be subject to modification and adjustment by the Office of Price Administration and this order shall be superseded by any appropriate maximum price regulation or amendment to maximum price regulation which may hereafter be issued which fixes or establishes maximum prices for HandyKarry Shopping Bags.

(h) *Keeping of copy of order.* Said The Denver Tent and Awning Co. shall keep a copy of this order in its establishment at 1647 Arapahoe Street, Denver, Colorado.

(i) *Effective date.* This order becomes effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

GEO. M. BULL,
District Director.

[F. R. Doc. 44-1782; Filed, February 5, 1944; 12:02 p. m.]

[Spokane Order G-1 Under 18 (c)]

FIREWOOD IN BENTON AND FRANKLIN COUNTIES, WASH.

Order No. G-1 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Certain firewood in Benton and Franklin Counties, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Spokane District Office of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation and Order of Delegation No. 34 under General Order No. 32, *It is hereby ordered:*

(a) With respect to the sales and deliveries of certain specified kinds of firewood in Benton and Franklin Counties, Washington, the maximum prices therefor shall be the seller's previous maximum prices as determined under section 2 of the General Maximum Price Regulation, or the adjusted maximum prices set forth in paragraph (b), whichever are the higher.

(b) The maximum prices for mixed mill slabwood in 16 in. lengths or shorter shall be as follows:

(1) For sales of wood delivered to the consumer's premises at any point in said Benton and Franklin Counties with the exception of the community center of Benton City, $12.00 per cord.

(2) For sales of wood f. o. b. seller's distribution yard located at any place in said Benton and Franklin Counties except the community center of Benton City, $10.00 per cord.

(3) For sales of wood delivered to the consumer's premises in the community center of Benton City, $13.25 per cord.

(4) For sales of wood f. o. b. seller's distribution yard located in the community center of Benton City, $11.25 per cord.

(c) For the purpose of this order, the term "community center of Benton City" shall include all of that area lying within three miles of the Southwest Corner of the Northwest Quarter of Section 18, Township 9 North, Range 27 East, W. M.

(d) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(e) Lower prices than the maximum prices established by this order may be charged, demanded, offered, or paid.

(f) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(g) Order No. G-75 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, issued on November 24, 1943, by the San Francisco Regional Office is hereby superseded and revoked.

(h) This order may be revoked, amended, or corrected at any time. This order shall become effective February 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of January 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44-1783; Filed, February 5, 1944; 12:03 p. m.]

[Region VII Rev. Order G-1 Under MPR 122, Amdt. 1]

BITUMINOUS COAL IN UINTAH CO., UTAH

Revised Order No. G-1 Under Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Revised order modifying prices for certain bituminous coal sold in Uintah County, Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraphs (1), (2), (3), and (4) of paragraph (b) are amended to read as follows:

	Per ton
(1) 6" bituminous lump coal	$6.55
(2) 1½ x 6" bituminous nut	6.05
(3) 1½ x 0" bituminous slack (oil)	5.05
(4) 1½ x 0" bituminous slack (raw)	4.80

2. Paragraphs (e) and (f) are hereby redesignated (j) and (k), respectively, and five new paragraphs designated (e), (f), (g), (h), and (i), respectively, are added to read as follows:

(e) *Bureau of the Budget approval.* The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(f) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer if known, the per-net-ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(g) *Special service charges.* If in connection with a sale and delivery of coal made by you in the area covered hereby you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated below:

(f) Special service charges:

	Per ton	Per half ton
"Wheel-in" or "carry-in"	$0.60	$0.35
"Pull-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
"Oil or chemical treatment"	.25	.15

(2) "Wheel in" or "Carry-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space, when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(3) "Pull-back" or "Trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin; and the service charge for such "pull-back" or "trimming" shall apply only to the amount of coal so rehandled.

(4) "Carrying up or down stairs" means, generally, the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(5) "Delivered" means placed in the buyer's bin or storage space by dumping, chuting, or shoveling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space at which the coal can be discharged directly from the seller's truck.

(h) *Additional charge for delivering beyond area.* For a delivery made to a place beyond the area within which the seller has heretofore customarily made free delivery, an additional charge not in excess of any such additional delivery charge regularly and customarily made in December, 1941, may be added to the specific maximum prices established by this order. A dealer who was not in business in December, 1941, or who if in business during that time made no such extra-area deliveries, may take as additional delivery charge the charge of his nearest competitor who was established in business and did make such extra-area deliveries in December, 1941.

(i) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of November 30, 1943, as to the increases in specific maximum prices; and as to all other provisions contained herein, this Amendment No. 1 shall become effective on the 7th day of January 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 44-1784; Filed, February 5, 1944; 4:44 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on February 4, 1944.

REGION IV

Atlanta, Order No. 1-F, Amendment 5, filed 12:25 p. m.
Atlanta, Order No. 1-F, Amendment 6, filed 12:25 p. m.
Atlanta, Order No. 3-F, Amendment 3, filed 12:25 p. m.
Atlanta, Order No. 3-F, Amendment 4, filed 12:24 p. m.
Atlanta, Order No. 5-F, Amendment 2, filed 12:25 p. m.
Atlanta, Order No. 5-F, Amendment 3, filed 12:21 p. m.
Nashville, Order No. 6-F, Amendment 3, filed 12:26 p. m.

REGION V

St. Louis, Rev. Order No. 2-F, filed 12:24 p. m.
St. Louis, Rev. Order No. 1-F, filed 12:25 p. m.

REGION VI

Green Bay, Order No. 1-F, Amendment 1, filed 12:35 p. m.
Green Bay, Order No. 2-F, Amendment 1, filed 12:35 p. m.
La Crosse, Order No. 2-F, filed 12:35 p. m.
Peoria, Order No. 1-F, filed 12:24 p. m.
Springfield, Order No. 24, filed 12:23 p. m.
Springfield, Order No. 25, filed 12:27 p. m.
Springfield, Order No. 26, filed 12:27 p. m.
Springfield, Order No. 27, filed 12:27 p. m.
Springfield, Order No. 28, filed 12:28 p. m.
Springfield, Order No. 29, filed 12:28 p. m.

REGION VIII

Phoenix, Order No. 3-F, Amendment 4, filed 12:34 p. m.
Phoenix, Order No. 4-F, Amendment 4, filed 12:34 p. m.
Phoenix, Order No. 10, Amendment 1, filed 12:35 p. m.
San Diego, Order No. 1-F, Amendment 20, filed 12:26 p. m.
Seattle, Order No. 1-P, filed 12:26 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1842; Filed, February 7, 1944; 11:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-844]

CENTRAL OHIO LIGHT AND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of February, A. D. 1944.

Central Ohio Light & Power Company, an electric utility company and a subsidiary of Crescent Public Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said act of the issue and sale of $4,300,000 principal amount of First Mortgage 3½% Bonds, Series A, due February 1, 1974, the sales price of such bonds to be fixed by competitive bidding pursuant to Rule U-50 of said act;

Public hearings on such matter having been held, after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the said application, as amended, be, and it hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 and the further conditions that:

1. Said proposed issuance and sale of securities shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as to completed, which order may contain further terms and conditions as may then be deemed ap-

propriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions;

2. During the calendar year 1944, no dividends in excess of the sum of $50,000 shall be declared or paid on the Common Stock of Central Ohio Light & Power Company, and that so long as any of the First Mortgage 3½% Bonds, Series A, due February 1, 1974, shall be unredeemed and outstanding or until further order of the Commission, no further dividend shall be declared or paid on the said Common Stock except on application to, and approval by order of, the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1745; Filed, February 4, 1944; 2:43 p. m.]

[File Nos. 54-89, 59-25, 54-33]

THE UNITED CORPORATIONS

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of February 1944.

In the matter of The United Corporation, applicant, File No. 54-89; The United Corporation, respondent, File No. 59-25; The United Corporation, applicant, File No. 54-33.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing action described as necessary to effectuate the provisions of section 11 (b) of the act, and for the approval of incidental and related transactions;

The transactions proposed in said plan are further described as a step in compliance with the Commission's Order of August 14, 1943, pursuant to section 11 (b) (2) of the act, directing United to change its existing capitalization to one class of stock, namely common stock, and to take such action, in a manner consistent with the provisions of said act, as will cause it to cease to be a holding company;

All interested persons are referred to said plan which is on file in the office of the Commission for a full statement of the transactions therein proposed which may be summarized as follows:

(1) United has outstanding 2,488,712⅛ shares of $3 Cumulative Preference Stock with a voluntary and involuntary liquidating value of $50 per share. At December 31, 1943, accrued and unpaid dividends on said shares of Preference Stock aggregated $12,443,560, or $5.00 per share. On January 19, 1944, a dividend of $1.25 per share was declared payable February 14, 1944. United proposes to offer to exchange for each such share, up to and including 1,244,356 shares of said outstanding Preference Stock, the following:

(a) 1½ shares of common stock of Philadelphia Electric Company,

(b) ¼ share of the common stock of Delaware Power & Light Company, and

(c) $3.75 in cash.

(2) The offer of exchange is proposed to be made with respect to all rights and claims represented by each share of United's $3 Cumulative Preference Stock delivered for exchange, including any and all rights and claims to accrued and unpaid dividends thereon.

(3) If the provisions of the plan are approved by the Commission, it is proposed that the offer of exchange be mailed to holders of the $3 Cumulative Preference Stock, and that the offer remain open for a minimum period of 10 days after such mailing. If, during said 10-day period, more than 1,244,356 shares of the Preference Stock, to which number of shares the offer is limited, shall have been tendered for exchange, it is proposed that a pro-rata distribution of the securities and cash to be exchanged shall be made among all holders who have tendered Preference Stock, on the basis of the total number of shares of Preference Stock tendered. If less than 1,244,356 shares of the Preference Stock shall have been tendered during said 10-day period, it is proposed that the exchange be made for all shares of Preference Stock which shall have been tendered and that the offer shall thereafter remain open, on a "first come, first served" basis, for an additional period of 60 days which the Board of Directors may in its discretion and upon further notice to holders of the Preference Stock extend for a further 60-day period.

(4) The plan further provides that the offer may be accepted only by the deposit with a depositary to be designated by United of the certificates of the shares of $3 Cumulative Preference Stock to be exchanged. Upon presentation by the holder of certificates of the shares of $3 Cumulative Preference Stock to the depositary for exchange, the depositary will deliver to such holder, as soon as practicable, certificates for the aggregate number of shares of Philadelphia Electric Company common stock and Delaware Power & Light Company common stock, respectively, together with the cash payment, to which such holder shall be entitled under the proposed exchange offer.

(5) It is further proposed that in lieu of fractional shares of Philadelphia Electric Company common stock and Delaware Power & Light Company common stock payments in cash will be made on the basis of the closing market price on a designated day or the average closing market price on three successive designated days on the New York Stock Exchange with respect to Philadelphia Electric Company common stock, and on the Philadelphia Stock Exchange with respect to Delaware Power & Light Company common stock.

United holds 2,022,074 shares of Philadelphia Electric Company common stock, representing 19.3% of said company's outstanding voting securities. By virtue of United's ownership of 6,066,223 shares of the common stock of The United Gas Improvement Company, United expects to receive 303,311$\frac{3}{20}$ shares of the common stock of Delaware Power & Light Company, representing 26.1% of the outstanding voting securities of said company, as a partial distribution of capital by The United Gas Improvement Company, pursuant to a supplemental plan approved by an order of the Commission dated December 28, 1943, and subject to the approval of stockholders of The United Gas Improvement Company at a meeting scheduled for February 29, 1944. If the plan for which approval is sought by United is fully consummated, all of the shares of the common stock of Delaware Power & Light Company expected to be received by United will be disposed of and United's holdings of common stock of Philadelphia Electric Company will be reduced from 2,022,074 shares to approximately 155,540 shares, or 1.5% of the outstanding voting securities of said company. In addition, United's outstanding shares of $3 Cumulative Preference Stock will be reduced from 2,488,712⅛ shares to 1,244,356⅛ shares. Shares of Preference Stock to be received by United pursuant to the exchange offer are proposed to be retired in accordance with the applicable provisions of the General Corporation Law of the State of Delaware.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; and it appearing appropriate in the public interest and in the interests of investors and consumers that notice be given and a hearing be held with respect to said plan; and

It further appearing to the Commission that all of the evidence with respect to The United Corporation holding-company system adduced in the proceeding under section 11 (b) (2) of the act, designated as File No. 59-25 and consolidated with the proceeding designated as File No. 54-33, being the consolidated proceeding in which the Commission entered its order dated August 14, 1943, may have a bearing upon the issues presented by said plan, and that a substantial saving of time and expense will result if such evidence adduced in said prior proceeding is used in connection with the consideration of the issues raised by said plan:

It is ordered, That the portion of the record of the consolidated proceeding designated as File Nos. 59-25 and 54-33, commencing with the hearing of December 11, 1941, and including all of the record thereafter made in said consolidated proceeding, be, and hereby is, incorporated into the record of the proceeding with respect to said plan, and that the records in said consolidated proceeding and in this proceeding be, and hereby are, consolidated, subject, however, and without prejudice, to the Commission's right, upon its own motion or the motion of any interested party, to either strike such portion of the record

in respect of said prior proceeding under section 11 (b) (2) as may be deemed irrelevant to the issues raised by said plan, or to add to the record of this proceeding any additional portion of the record in said prior proceeding as may be deemed relevant to the issues raised by said plan.

It is further ordered, That a hearing under the applicable provisions of the act and rules thereunder be held at 10 a. m., e. w. t., on the 7th day of March, 1944, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That notice of said hearing be given to The United Corporation by mailing a copy of this notice and order forthwith by registered mail, and that notice be given to all other persons by a general release by the Commission distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That The United Corporation shall give appropriate notice of this hearing, in such form as the Commission may hereafter approve, to all of the holders of its Common and Preference Stock (insofar as the identity of such holders is known or available to United) at least twenty days prior to March 7, 1944.

It is further ordered, That any person desiring leave to be heard or otherwise wishing to participate in these proceedings shall notify the Commission on or before March 2, 1944 in the manner provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said plan, as submitted or as modified, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the proposed plan, as submitted or as modified, is fair and equitable to the persons affected by said plan;

(3) Whether the transactions proposed in said plan comply with all of the requirements of the applicable provisions of the act and rules promulgated thereunder;

(4) Whether the fees, expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan and the transactions incidental thereto, are for necessary services or purposes, reasonable in amount, and properly allocated;

(5) Whether, and to what exent, the proposed plan should be modified or terms and conditions imposed to ensure adequate protection of the public interest and the interests of investors and consumers and compliance with all applicable provisions of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1743; Filed, February 4, 1944; 2:43 p. m.]

[File Nos. 59-39, 54-50]

NORTH AMERICAN LIGHT AND POWER CO., AND THE NORTH AMERICAN CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of February 1944.

In the matter of North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50.

The Commission on December 30, 1941, having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, be liquidated and its existence terminated, and further directing that North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of the Public Utility Holding Company Act of 1935 (see File No. 59-39); and said order having provided that before said companies take any step or action for the purpose of enabling North American Light & Power Company to comply with the provisions of said order such step or action shall be the subject of an application or applications to this Commission for the entry of necessary or appropriate orders; and

North American Light & Power Company both on its own behalf and in conjunction with Illinois Traction Company, a registered holding company and a subsidiary of North American Light & Power Company, having previously filed several applications in the above styled and numbered proceedings relating to various transactions which had as their objective compliance with the aforesaid order, some of which applications have been granted and some of which are still pending;

Notice is hereby given that on January 10, 1944, Illinois Traction Company and North American Light & Power Company filed a joint application designated as application No. 9 in the above styled and numbered proceedings. All interested persons are referred to said joint application which is on file in the office of said Commission for a full statement of the transaction therein proposed, which may be summarized as follows:

Illinois Traction Company proposes to retire all of its publicly held 6% cumulative preferred stock, consisting of 210 shares, at par, or $100 per share, plus dividends accrued from January 1, 1933 to January 1, 1944. The amount required for this purpose is approximately $40,000.

The joint application states that the transaction is part of a general plan of liquidating and dissolving North American Light & Power Company and of integrating its holding company system.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said joint application,

It is ordered, That a hearing on such matter be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 17th day of February, 1944, at 10:00 a. m. in such room as may be designated at such time by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice on or before February 14, 1944.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing ordered herein. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Illinois Traction Company, North American Light & Power Company, and Illinois Power Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said joint application, particular attention shall be directed at said hearing to the question whether the proposed acquisition at the stipulated price is consistent with the applicable standards of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1744; Filed, February 4, 1944; 2:43 p. m.]

[File No. 70-812]

CONSOLIDATED ELECTRIC AND GAS CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE, GRANTING APPLICATIONS IN PART, AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 4th day of February 1944.

Consolidated Electric and Gas Company, a registered holding company, and its utility subsidiary, Central Illinois Electric and Gas Co., having filed joint applications and declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6, 7, 9, 10, 11 (e), 12 (c), 12 (d), and 12 (f) of said act and the rules promulgated thereunder, whereby authorization is sought for the proposed issuance by Central Illinois Electric and Gas Co. of 400,000 shares of common stock of the par value of $15 per share, the transfer and delivery of all said stock to Consolidated Electric and Gas Company in substitution for the 74,240 shares of common stock of Central Illinois Electric and Gas Co. without par value presently owned by Consolidated Electric and Gas Company, the surrender of said presently outstanding stock without par value by Consolidated Electric and Gas Company to Central Illinois Electric and Gas Co., the acquisition by Consolidated Electric and Gas Company from Central Illinois Electric and Gas Co. in consideration of said surrender of stock of said 400,000 shares of new $15 par value stock, and the reacquisition and retirement by Central Illinois Electric and Gas Co. of said presently outstanding no par value stock;

Consolidated Electric and Gas Company having also applied for approval of a plan submitted by it pursuant to section 11 (e) of said act, by which plan it proposes to sell, through competitive bidding pursuant to Rule U-50 of this Commission, the 400,000 shares of $15 par value stock so to be acquired by it from Central Illinois Electric and Gas Co. and to apply the proceeds received from such sale to the satisfaction of certain of its outstanding bonded debt;

A public hearing having been held, after appropriate notice, upon said applications and declarations, as amended, and the Commission having considered the record and made and filed its findings and opinion herein;

It is ordered, That said applications and declarations in respect of the reclassification of the common stock of Central Illinois Electric and Gas Co. presently owned by Consolidated Electric and Gas Company, to be effected in the manner hereinabove summarized be, and they are hereby, respectively, granted and permitted to become effective forthwith subject to the terms and conditions prescribed by Rule U-24;

It is further ordered, That the application of Consolidated Electric and Gas Company for approval of the plan submitted by it pursuant to section 11 (e) of said act for the sale by said company of the reclassified stock of Central Illinois Electric and Gas Co. and the application of the proceeds thereof, as hereinabove summarized, be, and the same is hereby, granted and approved in respect of the carrying out of the competitive bidding procedure proposed, subject to the terms and conditions set forth in Rule U-24, but, in all other respects, including the proposed definitive sale by Consolidated Electric and Gas Company of said reclassified stock of Central Illinois Electric and Gas Co. and the application of the proceeds of such sale, jurisdiction is reserved pending the issuance of such further order or orders as the Commission may deem proper upon completion of the record by the incorporation of evidence as to the results of the competitive bidding, the price and other terms of any public offering proposed to be made of the stock, the reasonableness of fees and expenses, and such other evidence as may be appropriately received;

It is further ordered, That the ten day minimum period prescribed by Rule U-50 for reception of competitive bids in respect of the reclassified stock of Central Illinois Electric and Gas Co. be, and the same is hereby, reduced to a minimum period of eight days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1754; Filed, February 5, 1944; 10:36 a. m.]

[File No. 70-752]

ELECTRIC POWER AND LIGHT CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February, A. D. 1944.

Notice is hereby given that an amendment to the application or declaration filed in the above matter has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"). All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

On October 26, 1943, this Commission entered an order in the above proceedings (Holding Company Act Release No. 4644) authorizing Electric to use the proceeds of the sale of the common stock of Idaho Power Company for the acquisition and retirement of Electric's Gold Debentures 5% Series due 2020. Electric in the present amendment proposes to use a portion of such proceeds to purchase all or any part of the present publicly held 65,167 shares of $6 First Preferred Stock of Mississippi Power & Light Company properly tendered to Electric for such purpose within a period of four months after the date of the order of this Commission made in connection herewith. The price to be paid by Electric for such shares will be $100.00 per share, plus an amount equivalent to dividends at the rate of $6.00 per share per annum from the last date as of which dividends have been paid to the date of tender. In the event that any shares are tendered after a record date for the payment of a current quarterly dividend but before the payment thereof the amount to be paid by Electric for such shares will be $100 per share less an amount equivalent to dividends at the foregoing rate from the date of tender to the end of the current dividend period, and on the dividend payment date Mississippi Power & Light Company will pay the full quarterly dividend to the record holder of such shares on the record date.

It is proposed that Electric will acquire any of such shares of preferred stock of Mississippi Power & Light Company upon the terms and conditions set out above as may be available to it for purchase whether or not such shares are acquired in direct response to the invitation of tenders which will be sent to the holders of such shares.

It is further proposed that the cash for the payment of the amount equivalent to dividends on said shares of preferred stock will be supplied from the general corporate funds of Electric.

It appearing to this Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said application and declaration as amended shall not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission thereunder be held on February 16, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held. At such hearing cause shall be shown why such declaration as amended should be permitted to become effective and such application as amended granted;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order to the above-named parties and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 14, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission:

It is further ordered, That Henry C. Lank or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said application and declaration as amended, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by Electric, including all fees, commissions or other remunerations, for the shares of the preferred stocks of Missis-

sippi proposed to be acquired is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets underlying said preferred stocks.

2. Whether the proposed acquisition will unduly complicate the capital structure of the holding company system of Electric or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system.

3. Whether the proposed acquisition is detrimental to the carrying out of the provisions of section 11 and particularly whether it is appropriate for compliance by Electric with the order of dissolution entered by this Commission on August 22, 1942.

4. Whether the proposed acquisition will tend toward the economical and efficient development of an integrated public utility system.

5. Whether the proposed method of acquisition of said shares of preferred stock of Mississippi and the terms and conditions thereof are in compliance with applicable statutory standards and particularly whether they would be fair and equitable to all persons affected thereby.

6. Whether, if the transaction proposed is authorized by this Commission, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1801; Filed, February 7, 1944; 10:09 a.m.]

[File No. 70-849]

INDIANA & MICHIGAN ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Indiana & Michigan Electric Company (hereinafter referred to as "Indiana Michigan"), a subsidiary of American Gas and Electric Company, a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Indiana Michigan proposes to create a Capital Surplus Account of $2,000,000 by a charge of like amount to its Common Capital Stock Account without any change in the number of shares of said stock now outstanding. It is also proposed that Indiana Michigan will, upon order of other regulatory bodies having jurisdiction over the accounts of the company, make various accounting adjustments in order to dispose of inflationary items presently included in its plant accounts which among other things will exhaust the capital surplus so created.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both), shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on February 14, 1944, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before February 12, 1944, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder and particularly whether the proposed reduction of Common Capital Stock liability is detrimental to the public interest or the interests of investors or consumers.

(2) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to ensure compliance with the requirements of the Holding Company Act or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1800; Filed, February 7, 1944; 10:09 a. m.]

[File No. 812-346]

ALLEGHANY CORP., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February, A. D. 1944.

In the matter of Alleghany Corporation, The Pittston Company, The Chesapeake and Ohio Railway Company, and Western Pocahontas Corporation, File No. 812-346.

An application having been filed by The Pittston Company pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said act a proposed transaction whereby The Pittston Company will exchange its Common and new Preferred Stock for its Class B Preference Stock and Common Stock, respectively, held by Alleghany Corporation, The Chesapeake and Ohio Railway Company and Western Pocahontas Corporation, to the extent that they elect to accept the exchange offer. This exchange offer is part of a general proposal by The Pittston Company to reconstitute its outstanding Class B Preference Stock as new Preferred Stock and to offer to all holders of shares of outstanding Common Stock and Class B Preference Stock the right to exchange said shares for the new Preferred Stock and for Common Stock, respectively, upon the basis of the average of the closing sales prices of said outstanding shares for the 30 days next preceding the exchange offer. Alleghany Corporation is a registered investment company, The Pittston Company is controlled by Alleghany Corporation, The Chesapeake and Ohio Railway Company is an affiliated person of Alleghany Corporation and Western Pocahontas Corporation is an affiliated person of an affiliated person of Alleghany Corporation.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on February 14, 1944, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Alleghany Corporation, The Pittston Company, The Chesapeake and Ohio Railway Company, and Western Pocahontas Corporation, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-1799; Filed, February 7, 1944; 10:09 a. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 132]

LAUREL PROJECT, MARYLAND

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Laurel Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 132. Said project, located at Laurel, Prince Georges County, Maryland, will be the base of operations for work at the District Training School, an institution for mental deficients under the Board of Public Welfare of the District of Columbia, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

2. That the men assigned to said Laurel project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, District Training School, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the District Training School. Administrative and directive control shall be under the Office of Assistant Director of Selective Service in charge of camp operations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 3, 1944.

[F. R. Doc. 44–1746; Filed, February 4, 1944; 2:59 p. m.]

WAR FOOD ADMINISTRATION.

ANGLO-AMERICAN DIRECT TEA TRADING CO., ET AL.

DESIGNATION OF QUALIFIED DISTRIBUTORS

Pursuant to the authority vested in me by Food Distribution Order No. 21, § 1415.1 (c) (1), issued by the Secretary of Agriculture on February 15, 1943, as amended (8 F.R. 2077, 9 F.R. 150), the following persons, who have indicated a willingness to act as qualified distributors of tea and who are, in the judgment of the Director, by reason of their experience, facilities, and personnel, able efficiently to distribute tea to packers and otherwise to discharge the functions and duties which the Director may, from time to time, specify, are hereby designated to act as qualified distributors of tea:

Name and Address
Anglo-American Direct Tea Trading Company, 99 Wall Street, New York, New York.
Balfour, Guthrie and Company, Ltd., 67 Wall Street, New York, N. Y.
H. L. C. Bendiks, 96 Front Street, New York, N. Y.
Bingham and Company, Inc., 96 Wall Street, New York, N. Y.
Carter, Macy Company, Inc., 37–41 Old Slip, New York, N. Y.
Dodwell and Company, Ltd., 79 Wall Street, New York, N. Y.
Eppens, Smith Company, Inc., P. O. Box 898, Church Street Annex, New York, N. Y.
Jacobus F. Frank, 120 Wall Street, New York, N. Y.
Gravenhorst and Company, 82–92 Beaver Street, New York, N. Y.
James P. Harding and Company, 156 State Street, Boston, Mass.
Hellyer and Company, 435 W. Ontario Street, Chicago, Ill.
Holland-Colombo Trading Society, Inc., 30 Rockefeller Plaza, New York, N. Y.
Irwin-Harrisons-Whitney, Inc., 91 Wall Street, New York, N. Y.
Joensson and Cross, 500 Fifth Avenue, New York, N. Y.
Standard Import and Export Company of China, 48 West 48th Street, New York, N. Y.
Stein, Hall and Company, Inc., 295 Madison Avenue, New York, N. Y.
Joseph S. Toledano and J. M. Pinto, 90 Broad Street, New York, N. Y.

Each term defined in said Food Distribution Order No. 21, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 21, as amended.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 21, as amended, 8 F.R. 2077, 9 F.R. 150)

Issued this 5th day of February 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44–1840; Filed, February 7, 1944; 11:19 a. m.]

WAR PRODUCTION BOARD.

[Certificate 195]

EXCHANGE AND USE OF TECHNICAL INFORMATION RELATING TO BUTADIENE

APPROVAL OF PROPOSED AMENDING AGREEMENT

The ATTORNEY GENERAL:

I submit herewith a proposed "Agreement Amending General Butadiene Agreement"[1] which has reference to the "General Agreement on Exchange and Use of Technical Information Relating to Butadiene" between Rubber Reserve Company and certain other companies with respect to which, inter alia, I issued Certificate No. 7 under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), on July 28, 1942 (7 F.R. 5897).

For the purposes of the statute cited, and subject to the understanding stated in Certificate No. 7 with respect to the application of the consent decree in United States of America v. The Standard Oil Company (N. J.) et al., I approve the Amending Agreement; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by the parties to the said Amending Agreement in compliance with my approval herein expressed is requisite to the prosecution of the war.

Dated: February 1, 1944.

DONALD M. NELSON,
Chairman.

[1] Filed as part of the original document.

[F. R. Doc. 44–1755; Filed, February 5, 1944; 11:03 a. m.]

WAR SHIPPING ADMINISTRATION.

"GERTRUDE L. THEBAUD"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress).

Whereas on November 5, 1942, title to the vessel "Gertrude L. Thebaud," (229547), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine

that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 5, 1944.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44-1788; Filed, February 7, 1944; 9:18 a. m.].

"SATANS WIFE"

VESSEL OWNERSHIP DETERMINATION

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress).

Whereas on November 30, 1942, title to the vessel "Satan's Wife" (230175) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: February 5, 1944.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44-1789; Filed, February 7, 1944; 9:18 a. m.]